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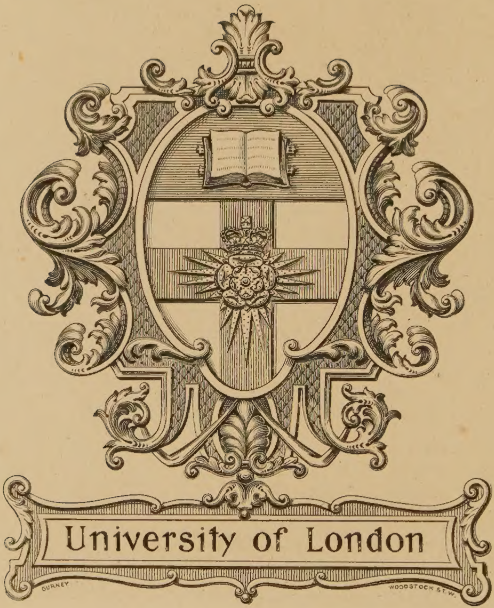
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WILLIAM IV.

45° VICTORIÆ, 1882.

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COMMONS, MONDAY, JUNE 12.

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Parliamentary Oath (Mr. Bradlaugh)—"Gurney *v.* Bradlaugh"—

Moved, "That leave be given to the proper Officer to attend the Queen's Bench Division of the High Court of Justice with the said paper writing and copy of the New Testament,"—(*Mr. Labouchere*) 805

Motion *postponed.*

QUESTIONS.

Metropolis—The Parks—Gardens of the Royal Botanic Society, Regent's Park—Admission of the Public—Question, Mr. Broadhurst; Answer, Mr. Courtney 805

Evictions (Scotland)—Lochcarron, Co. Ross—Question, Mr. Fraser-Mackintosh; Answer, The Lord Advocate 806

The Irish Land Commission—Mr. Comyn, Sub-Commissioner—Question, Mr. O'Connor Power; Answer, Mr. Trevelyan 807

The Irish Land Commission—Messrs. Wylie and Cuninghame, Sub-Commissioners—Question, Lord Arthur Hill; Answer, Mr. Trevelyan 807

Contagious Diseases (Animals) Acts — Prosecution at Sleaford — Question, Mr. Heneage; Answer, Mr. Mundella 808

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Metropolis—Thames River (Human Corpses)—Questions, Baron Henry De Worms; Answers, Sir William Harcourt 809
Army—The British Troops in Natal—Question, Sir David Wedderburn; Answer, Mr. Childers 810
Evictions (Ireland)—Evictions at Rynmount, Co. Longford—Question, Mr. Justin M'Carthy; Answer, Mr. Trevelyan 810
Protection of Person and Property (Ireland) Act, 1881—Mr. John Gannon—Question, Mr. O'Kelly; Answer, Mr. Trevelyan .. 811
The Royal Irish Constabulary—Distribution of the Vote of Compensation—Question, Mr. Healy; Answer, Mr. Trevelyan .. 811
Protection of Person and Property (Ireland) Act, 1881 — Dr. O'Brien and Mr. Doyle—Question, Mr. Healy; Answer, Mr. Trevelyan 812
National Education (Ireland)—Grants to National Schools—Question, Mr. Synan; Answer, Mr. Trevelyan 813
Protection of Person and Property (Ireland) Act, 1881 — Mr. Bernard M'Hugh—Question, Mr. O'Kelly; Answer, Mr. Trevelyan .. 814
High Court of Justice (Ireland)—Judicial Vacancies — Question, Mr. Gibson; Answer, Mr. Trevelyan; Question, Mr. T. P. O'Connor; [No answer] 814
Protection of Person and Property (Ireland) Act, 1881—Mr. M. J. Lyons—Question, Mr. O'Connor Power; Answer, Mr. Trevelyan .. 815
Navy—Explosion on Board H.M.S. "Swiftsure"—Question, Sir John Hay; Answer, Mr. Campbell-Bannerman 815
Highway Rates—Small Tenements — Question, Mr. Onslow; Answer, Mr. Dodson 816
Public Health (Metropolis)—Robin Hood Court, Shoe Lane—Question, Mr. J. G. Talbot; Answer, Mr. Dodson 816
Protection of Person and Property (Ireland) Act, 1881—Police Protection for Caretakers in County Wicklow—Question, Mr. W. J. Corbet; Answer, Mr. Trevelyan 817
Egypt (Political Affairs)—Riots at Alexandria—The Papers—Questions, Mr. Bourke, Lord Eustace Cecil, Mr. Onslow, Sir George Campbell, Mr. O'Donnell, Mr. Ashmead-Bartlett, Sir Henry Tyler, Mr. Northcote, Sir Stafford Northcote; Answers, Sir Charles W. Dilke .. 818
Public Health—Unqualified Medical Practitioners—Question, Mr. H. Samuelson; Answer, Sir William Harcourt 822
Post Office—Auxiliary Letter Carriers—Question, Mr. J. G. Hubbard; Answer, Mr. Fawcett 823
Army (Ireland)—Soldiers as Caretakers—Question, General Sir George Balfour; Answer, Mr. Childers 824
Africa (South)—Cetewayo, Ex-King of Zululand—Letter from the Transvaal Government Urging his Restoration—Question, Sir Wilfrid Lawson; Answer, Mr. Evelyn Ashley 824
Protection of Person and Property (Ireland) Act, 1881—Mr. James Monaghan—Question, Mr. T. D. Sullivan; Answer, Mr. Trevelyan .. 825
The Royal Irish Constabulary—Tearing Down Notices—Question, Mr. T. D. Sullivan; Answer, Mr. Trevelyan 825
Egypt (Political Affairs)—The Anglo-French Fleet—Suda Bay—Questions, Sir John Hay; Answers, Mr. Campbell-Bannerman .. 825
Adulteration Acts—Lard Cheese—Questions, Mr. R. H. Paget, Mr. Wilbraham Egerton; Answers, Mr. Chamberlain 826
Protection of Person and Property (Ireland) Act, 1881—Release of Persons detained under the Act—Question, Sir William Hart-Dyke; Answer, Mr. Trevelyan 827
State of Ireland—Illegal Notices—"Boycotting"—Questions, Sir Baldwyn Leighton; Answers, Mr. Trevelyan; Question, Mr. Healy; [No answer] 828

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CURRENCY—THE MONETARY CONFERENCE, PARIS—Question, Mr. Briggs; Answer, The Marquess of Hartington 829

POST OFFICE — THE UXBRIDGE POST OFFICE — Question, Mr. Schreiber; Answer, Mr. Fawcett 829

INDIA—APPOINTMENTS IN THE CIVIL SERVICE—Question, Mr. Arthur O'Connor; Answer, The Marquess of Hartington 830

INLAND NAVIGATION (IRELAND)—FLOODS AT KILLALOE—Question, Mr. Arthur O'Connor; Answer, Mr. Courtney 831

ARMY PAY DEPARTMENT — Question, Colonel O'Beirne; Answer, Mr. Childers 832

IRELAND—AGRARIAN OUTRAGES—THE RETURNS—Question, Mr. Buxton; Answer, Mr. Trevelyan 832

INDIA—FORCED LABOUR IN ASSAM—Questions, Mr. O'Donnell; Answers, The Marquess of Hartington 833

INDIA—NATIVE ESTATES — APPOINTMENTS OF MANAGERS — Question, Mr. O'Donnell; Answer, The Marquess of Hartington 833

THE CHANNEL TUNNEL SCHEME — Question, Mr. Monk; Answer, Mr. Chamberlain 834

EGYPT (POLITICAL AFFAIRS) — THE PROPOSED CONFERENCE — Questions, Baron Henry De Worms, Mr. Puleston, Mr. A. J. Balfour; Answers, Mr. Gladstone 834

ARREARS OF RENT (IRELAND) BILL—THE ESTIMATES—Questions, Sir Stafford Northcote, Mr. Brand; Answers, The Chancellor of the Exchequer 836

PREVENTION OF CRIME (IRELAND) BILL—THE PROTEST OF THE JUDGES—Questions, Mr. Healy, Mr. Callan; Answers, Mr. Gladstone .. 838

THE IRISH CHURCH FUND—ESTIMATED ASSETS—Questions, Lord George Hamilton, Mr. Mulholland; Answers, Mr. Gladstone, Mr. Courtney .. 839

THAMES NAVIGATION—THE THAMES BELOW BRIDGE—Question, Mr. Thorold Rogers; Answer, Sir William Harcourt 840

PREVENTION OF CRIME (IRELAND) BILL—THE CONDITION OF IRELAND—Questions, Mr. Monk, Mr. O'Donnell, Sir Henry Tyler, Mr. Healy, Mr. T. P. O'Connor; Answers, Mr. Gladstone 840

SCOTLAND—LOCAL TAXATION AND EXPENDITURE—Question, Mr. Anderson; Answer, The Lord Advocate 843

PARLIAMENT—BUSINESS OF THE HOUSE—MORNING SITTING—Question, Mr. Dillwyn; Answer, Mr. Gladstone 843

ORDER OF THE DAY.

Prevention of Crime (Ireland) Bill [Bill 157]—

Bill *considered* in Committee [*Progress 9th June*] [Ninth Night] .. 844

After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Public Schools (Scotland) Teachers Bill [Bill 153]—

Bill *considered* in Committee 949

After short time spent therein, Bill *reported;* as amended, to be *considered To-morrow*, at Two of the clock.

Supreme Court of Judicature Acts Amendment Bill [Bill 154]

Bill *considered* in Committee 952

After short time spent therein, Bill *reported;* as amended, to be *considered* upon *Friday*.

MOTION.

PARLIAMENTARY OATH (MR. BRADLAUGH)—"GURNEY *v.* BRADLAUGH"—RESOLUTION—

Moved "That leave be given to the proper Officer to attend the Queen's Bench Division of the High Court of Justice with the said paper writing and copy of the New Testament,"—(*Mr. Labouchere*) 963

Motion being opposed, not proceeded with.

COUNTY COURTS [SALARIES AND EXPENSES OF EXAMINERS OF ACCOUNTS]—

Resolution [June 9] *reported*, and *agreed to*.

Ordered, That it be an Instruction to the Committee on the County Courts (Advocates' Costs) Bill, That they have power to make provision therein, pursuant to the said Resolution.

LORDS, TUESDAY, JUNE 13.

EGYPT (LATEST TELEGRAMS)—Observations, Earl Granville; Question, The Marquess of Salisbury; Answer, Earl Granville 964

Pluralities Acts Amendment Bill (Nos. 74-102)—

Amendments *reported* (according to order) 965

Bill to be read 3ª on *Monday* next; and to be *printed* as amended. (No. 139.)

Imprisonment for Contumacy Bill (Nos. 91-103)—

Moved, "That the Bill be now read 3ª,"—(*The Lord Archbishop of Canterbury*) 965

After short debate, Motion *agreed to*:—Bill read 3ª accordingly; an Amendment made; Bill *passed*, and sent to the Commons.

Irish Reproductive Loan Fund Act (1874) Amendment Bill (No. 120)—

Moved, "That the Bill be now read 2ª,"—(*The Viscount Monck*) .. 966

Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

Metropolis Management and Building Acts Amendment Bill (No. 104)—

House in Committee (according to order) 967

Bill *reported*, without amendment; and to be read 3ª on *Thursday* next.

FOOD SUPPLY—IMPORT OF FROZEN SHEEP—Question, Observations, Lord Lamington; Reply, Lord Sudeley 969

NAVY—H.M.S. "INCONSTANT"—Question, Viscount Sidmouth; Answer, The Earl of Northbrook 971

EDUCATION DEPARTMENT—WILLESDEN DISTRICT SCHOOL BOARD—Observations, The Earl of Carnarvon; Reply, Lord Carlingford; Observations, Viscount Cranbrook 971

ENTAILS (SCOTLAND)—MOTION FOR A RETURN—

Moved for Return of—

"I. Entails executed in Scotland prior to 1st August 1848;
  (*a.*) The number cut off since that date;
  (*b.*) The number now in existence:
"II. Entails executed in Scotland on and subsequent to 1st August 1848;
  (*a.*) The number registered;
  (*b.*) The number which have since been cut off;
  (*c.*) The number now in existence,"—(*The Earl of Camperdown*) 974

After short debate, Motion *agreed to*:—Ordered to be laid before the House.

Election of Representative Peers (Ireland) Bill [H.L.]—*Presented* (*The Earl of Belmore*); read 1ª (No. 137) 976

Intermediate Education (Ireland) Bill [H.L.]—*Presented* (*The Lord O'Hagan*); read 1ª (No. 138) 976

COMMONS, TUESDAY, JUNE 13.

QUESTIONS.

LICENSING ACTS (SCOTLAND)—THE JOINT LICENSING COMMITTEE, PETERHEAD—Question, Dr. Cameron; Answer, Mr. Courtney.. .. 976

EDUCATION DEPARTMENT—SPELLING REFORM—THE PHONIC SYSTEM—Question, Mr. Healy; Answer, Mr. Mundella 977

VACCINATION—THE OFFICIAL METHOD—Question, Mr. P. A. Taylor; Answer, Mr. Dodson 978

THE IRISH CHURCH TEMPORALITIES COMMISSION—NATIONAL SCHOOL TEACHERS (IRELAND) ACT—Question, Mr. Macartney; Answer, Mr. Courtney .. 979

EMIGRATION—PASSENGER TRAFFIC FROM SCANDINAVIAN PORTS—Question, Mr. Moore; Answer, Mr. Chamberlain 979

EGYPT—THE POLITICAL CRISIS—Questions, Mr. Ashmead-Bartlett, Sir Stafford Northcote, Mr. J. Lowther, Mr. G. W. Elliot, Mr. Raikes, Baron Henry De Worms, Mr. Norwood, Mr. Joseph Cowen, Mr. Labouchere, Mr. Macartney, Mr. Bourke; Answers, Sir Charles W. Dilke 980

EMIGRATION—THE UNITED STATES OF AMERICA—PASSENGER ACTS—LEGISLATION—Question, Mr. Moore; Answer, Mr. Chamberlain .. 983

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MR. J. HOULIHAN—Question, Mr. Dillon; Answer, Mr. Trevelyan .. 984

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PATRICK AND JOHN CURLEY—Question, Mr. Redmond; Answer, Mr. Trevelyan 984

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. M. P. KENNY—Question, Mr. Redmond; Answer, Mr. Trevelyan .. 984

IRELAND—INTERFERENCE OF THE POLICE — EDENDERRY — Question, Mr. Molloy; Answer, Mr. Trevelyan 985

IRELAND—THE "TREATY OF KILMAINHAM"—Questions, Sir Walter B. Barttelot, Mr. T. P. O'Connor; Answers, Mr. Gladstone; Question, Mr. Sexton; [No answer] 986

ORDERS OF THE DAY.

Prevention of Crime (Ireland) Bill [Bill 157] [Tenth Night]—

Bill *considered* in Committee [*Progress* 12*th June*] 988

After long time spent therein, Committee report Progress; to sit again *To-morrow.*

Ejectments Suspension (Ireland) Bill—

Motion for Leave (*Colonel Nolan*) objected to; Motion postponed .. 1111

MOTION.

PARLIAMENTARY OATH (MR. BRADLAUGH)—"GURNEY v. BRADLAUGH"—RESOLUTION—

Moved, "That leave be given to the proper Officer of this House to attend the Queen's Bench Division of the High Court of Justice, with the paper writing subscribed by

PARLIAMENTARY OATH (MR. BRADLAUGH)—"GURNEY v. BRADLAUGH"—*continued.*

Mr. Charles Bradlaugh at the Table of the House on the 21st February last, and the copy of the New Testament named in the Journals of the House of the same date,"—(*Mr. Labouchere*) 1111

After debate, *Moved,* "That the Debate be now adjourned,"—(*Mr. E. Stanhope*:)—Question put:—The House *divided;* Ayes 65, Noes 85; Majority 20.—(Div. List, No. 137.)

Original Question again proposed 1125

Moved, "That this House do now adjourn,"—(*Lord Claud Hamilton*:)—After short debate, Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

COMMONS, WEDNESDAY, JUNE 14.

QUESTIONS.

EJECTMENTS SUSPENSION (IRELAND) BILL—Question, Colonel Nolan; Answer, Mr. Warton 1127

EGYPT—THE POLITICAL CRISIS—Notice of Question, Mr. Bourke; Questions, Mr. Bourke, Sir Stafford Northcote, Mr. Chaplin, Mr. Onslow, Mr. Ashmead-Bartlett; Answers, Sir Charles W. Dilke .. 1127

Moved, "That this House do now adjourn,"—(*Sir H. Drummond Wolff*:)—Debate thereon.

EVICTIONS (IRELAND)—Observations, Colonel Nolan 1173

After debate, Motion, by leave, *withdrawn.*

ORDER OF THE DAY.

Prevention of Crime (Ireland) Bill [Bill 157] [Eleventh Night]—

Bill *considered* in Committee [*Progress 13th June*] 1191

After some time spent therein, Committee report Progress; to sit again *To-morrow.*

Baths and Washhouses Acts Amendment Bill—*Ordered* (*Mr. Stanhope, Mr. Chaplin, Mr. Gorst*); *presented,* and read the first time [Bill 201] 1217

Ejectments Suspension (Ireland) Bill—*Ordered* (*Colonel Nolan, Mr. O'Shea, Mr. Justin M'Carthy, Mr. Lalor, Mr. Martin, Mr. Dickson, Mr. Findlater, Mr. Lea, Mr. Moore, Mr. Biggar, Mr. Richard Power, Mr. Whitworth*); *presented,* and read the first time [Bill 202] 1217

LORDS, THURSDAY, JUNE 15.

EGYPT—THE POLITICAL CRISIS—THE RIOTS AT ALEXANDRIA—Question, Observations, The Marquess of Salisbury; Reply, Earl Granville .. 1217

Entail (Scotland) Bill (No. 115)—

Moved, "That the Bill be now read 2ª,"—(*The Earl of Rosebery*) .. 1221

After short debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* the 29*th instant.*

COMMONS, THURSDAY, JUNE 15.

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QUESTIONS.

Egypt—The Political Crisis—Notices of Questions, Mr. M'Coan, Mr. Bourke, Mr. Onslow 1225

Turkey and Greece—Murder of Mr. Ogle—Question, Mr. H. Samuelson; Answer, Sir Charles W. Dilke 1226

Debtors' (Scotland) Act, 1880—Kenneth Mackenzie, a Bankrupt—Question, Dr. Cameron; Answer, The Lord Advocate 1227

Arrears of Rent (Ireland) Bill—The Irish Church Fund—Question, Sir Henry Holland; Answer, Mr. Courtney 1228

Army (Auxiliary Forces)—Militia Surgeons Pensions—Question, Mr. O'Shaughnessy; Answer, Mr. Childers 1228

Small Tenements and Highway Rates—Legislation—Question, Mr. Hicks; Answer, Mr. Dodson 1229

Criminal Law—Release of Crawshay Crawshay, a Convict—Question, Lord George Hamilton; Answer, Sir William Harcourt .. 1229

Trade and Commerce—Treaty of Commerce with Spain—Question, Mr. Henry Lee; Answer, Sir Charles W. Dilke 1230

State of Ireland—The Murders of Mr. Bourke and Corporal Wallace—Questions, Lord Eustace Cecil, Sir Walter B. Barttelot; Answers, Mr. Childers 1231

Diplomatic Service—Foreign Languages—The Examination Papers—Question, Mr. Jerningham; Answer, Sir Charles W. Dilke .. 1232

Post Office—Telephone Licences—Question, The O'Donoghue; Answer, Mr. Fawcett 1232

Evictions (Ireland)—Mr. James Sheridan, Drumhalry, Granard, Co. Longford—Question, Mr. Justin M'Carthy; Answer, Mr. Trevelyan 1233

Peace Preservation (Ireland) Act, 1881—Proclamation of the City of Limerick—Questions, Mr. O'Shaughnessy, Mr. Healy; Answers, Mr. Trevelyan 1234

Emigration Acts—Emigrants in Hull—Question, Mr. Moore; Answer, Mr. Dodson 1235

Customs Re-Organization—Outdoor Clerks—Question, Mr. Anderson; Answer, Mr. Courtney 1235

Post Office (Telegraphic Department)—A Sixpenny Rate for Telegrams—Question, Mr. E. Stanhope; Answer, Mr. Fawcett .. 1236

South Africa—Zululand—John Dunn and the Zulu Chiefs—Question, Mr. Richard; Answer, Mr. Evelyn Ashley 1237

Egypt—The Soudan—Consulate at Khartoum—Question, Mr. Cropper; Answer, Sir Charles W. Dilke 1237

Sunday Labour—Employment of Workmen on Sunday—Questions, Mr. Hicks; Answers, Sir William Harcourt 1237

Poor Law (Ireland)—Election of Guardian for the Killenkey Division, Rathdrum Union—Question, Mr. W. J. Corbet; Answer, Mr. Trevelyan 1238

Local Bankruptcy (Ireland) Act—Case of Joseph Magill, Belfast—Question, Mr. Ewart; Answer, The Attorney General for Ireland .. 1239

Sea and Coast Fisheries (Ireland)—Question, Mr. Leamy; Answer, Mr. Trevelyan 1240

Crime and Police (Ireland)—Detective Police Force—Colonel Brackenbury—Question, Mr. O'Donnell; Answer, Mr. Trevelyan .. 1240

India (Bengal)—The Durbhunga Raj—Question, Mr. O'Donnell; Answer, The Marquess of Hartington 1241

India—Importation of Petroleum—Relaxation of Precautionary Legislation—Questions, Mr. O'Donnell; Answers, The Marquess of Hartington 1241

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PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—RELEASE OF PERSONS DETAINED UNDER THE ACT—Questions, Sir Herbert Maxwell, Mr. A. J. Balfour, Mr. Healy; Answers, Mr. Trevelyan; Question, Mr. Brodrick; [No answer] 1242

EVICTIONS (IRELAND)—APPLICATIONS OF PERSONS EVICTED TO THE LAND COURTS—Question, Mr. Healy; Answer, Mr. Trevelyan .. 1244

EGYPT (POLITICAL AFFAIRS)—ENGLISH POLICY—Question, Mr. Arthur Arnold; Answer, Sir Charles W. Dilke 1244

THE IRISH CHURCH FUND—AMOUNT OF THE SURPLUS—Question, Mr. Villiers Stuart; Answer, Mr. Courtney 1245

ARMY—OFFICERS OF THE RESERVE—Question, Sir John Kennaway; Answer, Mr. Childers 1246

NAVY—DOCKYARDS—MEMORIAL OF ESTABLISHED SHIPWRIGHTS—Question, Mr. Puleston; Answer, Mr. Campbell-Bannerman 1246

SPIRITS ACT, 1880—EVASION OF THE PROVISIONS OF THE ACT AT PETERHEAD—Question, Dr. Cameron; Answer, Mr. Courtney 1246

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—JAMES BANON—Question, Mr. Marum; Answer, Mr. Trevelyan .. 1247

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POST OFFICE (IRELAND)—THE POSTMASTER AT MILFORD, CO. CORK—CASE OF MATTHEW MURPHY—Question, Mr. Leamy; Answer, Mr. Fawcett .. 1248

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. JOHN O'BRIEN—Question, Mr. Dillon; Answer, Mr. Trevelyan .. 1249

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MESSRS. JOHN AND CORNELIUS KELLEHER, WILLIAM WALSH, AND MAURICE GLEESON—Question, Mr. Dillon; Answer, Mr. Trevelyan .. 1250

THE ROYAL IRISH CONSTABULARY—EXTRA PAY—EX-CONSTABLE WALSH—Question, Mr. Healy; Answer, Mr. Trevelyan 1250

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—RELEASE OF PERSONS DETAINED UNDER THE ACT—Question, Mr. Sexton; Answer, Mr. Trevelyan 1250

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IRELAND—MR. O'SHEA'S VISIT TO KILMAINHAM GAOL—Questions, Mr. G. W. Elliot, Mr. A. J. Balfour; Answers, Mr. Trevelyan .. 1251

THE IRISH FISHERIES—THE REPORT, 1881—Question, Mr. Blake; Answer, Mr. Trevelyan 1252

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MESSRS. T. AND P. MORRISSY—Question, Mr. T. P. O'Connor; Answer, Mr. Trevelyan 1253

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PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. THOMAS CUNNINGHAM—Question, Mr. T. P. O'Connor; Answer, Mr. Trevelyan 1254

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. J. P. QUINN—Question, Mr. Healy; Answer, Mr. Trevelyan .. 1254

EGYPT—THE POLITICAL CRISIS—Questions, Mr. Bourke, Mr. Slagg, Sir John Hay, Sir Stafford Northcote, Sir H. Drummond Wolff, Baron Henry De Worms, Mr. Onslow, Mr. O'Kelly, Mr. J. Lowther, Mr. Labouchere, Mr. O'Donnell; Answers, Sir Charles W. Dilke .. 1255

EDUCATION DEPARTMENT—THE HALL OF SCIENCE, OLD STREET—MRS. BESANT AND THE MISSES BRADLAUGH—Question, Mr. Onslow; Answer, Mr. Mundella; Observations, Lord George Hamilton .. 1260

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PRISONS (ENGLAND) ACT—PRISON DISCIPLINE—Question, Mr. R. N. Fowler; Answer, Sir William Harcourt 1262

THE PENAL SERVITUDE COMMISSION, 1879—SPIKE ISLAND—Question, Mr. Mulholland; Answer, Sir William Harcourt 1263

LAND LAW (IRELAND) ACT, 1881—JUDICIAL RENTS—Question, Mr. Tottenham; Answer, The Attorney General for Ireland .. 1263

NAVY—LIABILITY OF OFFICERS—RETIRED PAY—Question, Mr. St. Aubyn; Answer, Mr. Campbell-Bannerman 1264

ARREARS OF RENT (IRELAND) BILL—THE IRISH CHURCH FUND—Questions, Mr. Anderson, Mr. W. H. Smith; Answers, The Chancellor of the Exchequer 1264

LAND LAW (IRELAND) ACT, 1881—LOANS TO OCCUPIERS—Question, Colonel Colthurst; Answer, Mr. Gladstone 1266

EVICTIONS (IRELAND)—Questions, Mr. Healy, Mr. Parnell; Answers, Mr. Gladstone 1266

EGYPT AND ITALY—CESSION OF ASSAB BAY—Questions, Baron Henry De Worms, Mr. Bourke; Answers, Sir Charles W. Dilke, Mr. Speaker .. 1268

PARLIAMENT—SCOTCH BUSINESS—Questions, Sir John Hay, Sir George Campbell, Mr. O'Donnell; Answers, Mr. Gladstone 1272

WAYS AND MEANS—INLAND REVENUE—DUTIES ON GOLD AND SILVER PLATE—Question, Mr. R. N. Fowler; Answer, The Chancellor of the Exchequer 1273

SCIENCE AND ART—THE NATIONAL GALLERY—THE HAMILTON PALACE COLLECTION—Question, Mr. Coope; Answer, Mr. Gladstone .. 1274

PARLIAMENT—PUBLIC BUSINESS—Question, Mr. Storey; Answer, Mr. Gladstone 1274

ADULTERATION ACTS—LARD CHEESE—Question, Mr. Wilbraham Egerton; Answer, Mr. Chamberlain 1275

EGYPT (POLITICAL AFFAIRS)—THE ITALIAN GOVERNMENT—Notice of Question, Mr. G. W. Elliot; Questions, Sir Walter B. Barttelot, Sir George Campbell, Mr. Chaplin, Sir John Hay; Answers, Sir Charles W. Dilke 1275

PARLIAMENT—PRIVILEGE—UN-PARLIAMENTARY LANGUAGE—Observations, Mr. Macartney:—Short debate thereon 1277

ORDERS OF THE DAY.

Prevention of Crime (Ireland) Bill [Bill 157] [Twelfth Night]—

Bill *considered* in Committee [*Progress* 14*th June*] 1279

After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Metropolitan Board of Works (Money) Bill [Bill 176]—

Moved, "That the Bill be now read a second time,"—(*Mr. Courtney*) .. 1389

After short debate, Question put, and *agreed to*:—Bill read a second time, and *committed* for *Monday* 26th June.

MOTIONS.

Surrey Trial of Causes Bill—*Ordered* (*Mr. Warton, Mr. Henry H. Fowler*); *presented*, and read the first time [Bill 204] 1393

Real and Personal Estate (Accumulation of Income) Bill—*Ordered* (*Mr. Davey, Mr. Arthur Arnold, Mr. Henry H. Fowler*); *presented*, and read the first time [Bill 205] 1393

Cruelty to Animals Bill—*Ordered* (*Mr. Anderson, Mr. Samuel Morley, Mr. Jacob Bright, Mr. Passmore Edwards, Mr. Buchanan*); *presented*, and read the first time [Bill 206] 1393

Ancient Monuments Bill—*Ordered* (*Mr. Shaw Lefevre, Mr. Courtney*); *presented*, and read the first time [Bill 207] 1394

LORDS, FRIDAY, JUNE 16.

ARMY (INDIA)—CAPTAIN J. B. CHATTERTON, BENGAL STAFF CORPS—Motion for an Address, The Earl of Galloway 1394
After debate, Motion (by leave of the House) *withdrawn.*

Poor Rates Bill (No. 113)—

Moved, "That the Bill be now read 2ª,"—(*The Lord Carrington*) .. 1398
Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

PEACE PRESERVATION (IRELAND) ACT, 1881—SEARCH FOR ARMS—Question, Observations, Lord Forbes; Reply, Lord Carlingford .. 1398

ENTAILS (SCOTLAND)—Question, Observations, The Earl of Minto; Reply, The Earl of Rosebery 1400

COMMONS, FRIDAY, JUNE 16.

QUESTIONS.

VACCINATION ACT—CALF LYMPH—Question, Dr. Cameron; Answer, Mr. Dodson 1402
ELEMENTARY EDUCATION (SCOTLAND)—THE ISLAND OF LEWIS—Question, Dr. Cameron; Answer, Mr. Mundella 1402
PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PRISONERS DETAINED UNDER THE ACT—Questions, Mr. Biggar, Mr. O'Shea, Mr. Healy; Answers, Mr. Trevelyan 1403
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PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—INTIMIDATION AT MILTOWN MALBAY—Question, Mr. O'Shea; Answer, Mr. Trevelyan 1406
POOR LAW (IRELAND)—KILDYSART UNION—ELECTION OF CHAIRMAN OF BOARD OF GUARDIANS—Question, Mr. O'Shea; Answer, Mr. Trevelyan 1407
THE FACTORY ACTS—LEAD POISONING—Question, Mr. Burt; Answer, Sir William Harcourt 1407
STATE OF IRELAND—ALLEGED RIOTS BY SOLDIERS IN BELTURBET—Question, Mr. Biggar; Answer, Mr. Childers 1408
NAVY—INSPECTOR OF MACHINERY IN THE CHANNEL SQUADRON—Question, Captain Price; Answer, Mr. Campbell-Bannerman 1408
EGYPT (POLITICAL AFFAIRS)—THE RIOTS AT ALEXANDRIA—Questions, Mr. Onslow, Mr. Newdegate, Mr. Healy, Mr. W. H. Smith, Sir Stafford Northcote, Mr. Chaplin, Mr. Labouchere, Mr. O'Kelly, Mr. M'Coan; Answers, Mr. Speaker, Sir Charles W. Dilke, Mr. Campbell-Bannerman 1409
LAW AND POLICE—PROCESSIONS OF THE SALVATION ARMY—Questions, Mr. M'Laren, Mr. Healy; Answers, Sir William Harcourt; Question, Mr. R. H. Paget; [No answer] 1413

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EVICTIONS (IRELAND)—LORD CLONCURRY'S TENANTS—ERECTION OF HUTS—Questions, Mr. Parnell, Mr. Gibson, Mr. J. Lowther; Answers, Mr. Trevelyan; Question, Mr. O'Donnell; [No answer] 1414

NEWSPAPERS—INCITING LANGUAGE—THE "GLASGOW HERALD"—Question, Mr. Healy; Answer, Sir William Harcourt 1416

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—RELEASE OF PERSONS DETAINED UNDER THE ACT—Questions, Mr. Sexton; Answers, Mr. Trevelyan 1416

EVICTIONS (IRELAND)—DEATH FROM EXPOSURE AFTER EVICTION AT RHODE, KING'S CO.—Questions, Mr. Molloy; Answers, Mr. Trevelyan .. 1418

EGYPT (POLITICAL AFFAIRS)—Questions, Mr. Bourke, Lord Eustace Cecil, Sir Walter B. Barttelot, Mr. O'Kelly, Sir H. Drummond Wolff; Answers, Mr. Gladstone, Sir Charles W. Dilke; Question, Mr. Onslow; [No answer] 1418

ARREARS OF RENT (IRELAND)—LORD ROSSMORE'S ESTATE—Question, Mr. Dillon; Answer, Mr. Gladstone 1422

EGYPT AND ITALY—CESSION OF ASSAB BAY—Personal Explanation, Sir Charles W. Dilke; Observations, Baron Henry De Worms .. 1423

LAW AND JUSTICE (IRELAND)—THE CORONER OF THE QUEEN'S COUNTY—Question, Mr. Arthur O'Connor; Answer, Mr. Trevelyan .. 1425

COMMISSIONERS OF PUBLIC WORKS (IRELAND)—THE ANNUAL REPORT—Question, Mr. Arthur O'Connor; Answer, Mr. Courtney .. 1426

PARLIAMENT—BUSINESS OF THE HOUSE—"QUESTIONS"—Questions, Mr. Healy, Mr. Ashmead-Bartlett; [No answers] 1426

ORDER OF THE DAY.

Prevention of Crime (Ireland) Bill [Bill 157] [Thirteenth Night]—

Bill *considered* in Committee [*Progress* 15*th June*] 1426

After some time spent therein, it being ten minutes before Seven of the clock, Committee report Progress; to sit again *this day*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

After long time spent therein, Committee report Progress; to sit again upon *Monday* next.

LORDS, MONDAY, JUNE 19.

Bills of Sale Act (1878) Amendment Bill (No. 60)—

Moved, "That the Bill be now read 2ª,"—(*The Lord Coleridge*) .. 1545

After short debate Motion *agreed to*:—Bill read 2ª accordingly, and *referred* to a Select Committee.

EGYPT—THE SUEZ CANAL—Observations, Question, Lord Lamington; Reply, Earl Granville 1550

Intermediate Education (Ireland) Bill (No. 138)—

Moved, "That the Bill be now read 2ª,"—(*The Lord O'Hagan*) .. 1554

On Question? *Resolved* in the *affirmative*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

County Courts (Ireland) Bill (No. 105)—
Moved, "That the Bill be now read 2ª,"—(*The Lord O'Hagan*) .. 1556
After short debate, on Question? *Resolved* in the *affirmative*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

Somersham Rectory Bill (No. 116)—
Moved, "That the Bill be now read 2ª,"—(*The Earl of Powis*) .. 1558
On Question? *Resolved* in the *affirmative*:—Bill read 2ª accordingly.

COMMONS, MONDAY, JUNE 19.

PRIVATE BUSINESS.

* * *

Blackburn Improvement Bill (*by Order*)—
Moved, "That the Bill, as amended, be now considered,"—(*Sir Charles Forster*) 1559

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to proceed with the consideration of the Improvement Bills, or any of them, included in the Reference to the Committee on Sanitary and Police Clauses of March 13th 1882, unless such portions thereof as create local Sanitary or Police Law exceptional to the Law of the Realm be omitted therefrom,"—(*Mr. Hopwood*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—*Moved*, "That the Debate be now adjourned,"—(*Mr. Pugh*:)—After short debate, Motion, by leave, *withdrawn*:—Amendment, by leave, *withdrawn*.
Original Question put, and *agreed to*:—Bill *considered*; to be read the third time.

Manchester Corporation Bill (*by Order*)—
Moved, "That the Bill, as amended, be now considered,"—(*Sir Charles Forster*) 1575
Question put, and *agreed to*:—After short debate, Bill to be read the third time.

QUESTIONS.

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PARLIAMENT—RULES OF DEBATE—Notices, Mr. M'Coan, Mr. O'Donnell; Question, Mr. O'Kelly; Answer, Sir Charles W. Dilke.. .. 1581
ARMY—DRUNKENNESS—Question, Mr. Caine; Answer, The Judge Advocate General 1582
STATE OF IRELAND—POLICE PROTECTION AT AMAGARRA (CO. CORK)—Question, Mr. Healy; Answer, Mr. Trevelyan 1583
THE MAGISTRACY (IRELAND)—MR. H. A. BLAKE, R.M.—Questions, Mr. Healy; Answers, Mr. Trevelyan 1583
STATE OF IRELAND—POLICE SURVEILLANCE—Question, Mr. Healy; Answer, Mr. Trevelyan 1584
NEW ZEALAND—TE WHITI, THE MAORI CHIEF—Questions, Mr. Cropper, Mr. Brogden; Answers, Mr. Evelyn Ashley 1585
EDUCATION DEPARTMENT—ROMAN CATHOLIC SCHOOLS, OLDHAM—Question, Mr. O'Connor Power; Answer, Mr. Mundella 1586
PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PATRICK SLATTERY—Questions, Mr. O'Donnell; Answers, Mr. Trevelyan .. 1586

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Land Law (Ireland) Act, 1881—Section 21—"Sullivan v. Bowen"—Questions, Mr. Healy, Lord John Manners; Answers, Mr. Trevelyan, Mr. Gladstone 1588

Evictions (Ireland)—Death from Exposure after Eviction at Rhode, King's County—Question, Mr. Sexton; Answer, Mr. Trevelyan .. 1589

The Royal Irish Constabulary—Vote of Compensation—Question, Mr. O'Donnell; Answer, Mr. Trevelyan 1590

Parliament—Rules of Debate—Questions—Release of Persons detained under the Protection of Person and Property (Ireland) Act, 1881—Questions, Sir Herbert Maxwell, Mr. Arthur O'Connor, Mr. A. J. Balfour; Answers, Mr. Trevelyan, Mr. Speaker .. 1591

Navy—The Mediterranean Squadron—Question, Sir John Hay; Answer, Mr. Campbell-Bannerman 1593

Navy—Engineer Students—H.M.S. "Marlborough"—Question, Mr. Gorst; Answer, Mr. Campbell-Bannerman 1593

Army—Lieutenants of Artillery—Question, Mr. Stanley Leighton; Answer, Mr. Childers 1594

Army—Ordnance Artificers Corps—Question, Mr. Boord; Answer, Mr. Childers 1595

Protection of Person and Property (Ireland) Act, 1881—Arrests under the Act—Question, Mr. Leamy; Answer, Mr. Trevelyan .. 1595

Army—Shooting and Driving Prizes, 1881—Question, Colonel Nolan; Answer, Mr. Childers 1595

Protection of Person and Property (Ireland) Act, 1881—Michael M'Queeny—Questions, Viscount Folkestone; Answers, Mr. Trevelyan, The Attorney General for Ireland 1596

Ireland—"The Kilmainham Compact"—Mr. Yates Thompson—Question, Mr. G. W. Elliot; Answer, Mr. Trevelyan 1596

Petroleum Act (India) 1881—Standard of Flashing Point—Question, Mr. Macfarlane; Answer, The Marquess of Hartington .. 1597

Protection of Person and Property (Ireland) Act, 1881 — John Ryan—Question, Mr. Tottenham; Answer, Mr. Trevelyan .. 1597

The Royal Irish Constabulary—Constable Byrne—Question, Mr. Redmond; Answer, Mr. Trevelyan 1598

Parliament—Business of the House—The Government Annuities Bill—Question, Baron Henry De Worms; Answer, Mr. Fawcett .. 1598

Protection of Person and Property (Ireland) Act, 1881—Detention of Prisoners under the Act—Question, Mr. O'Donnell; Answer, Mr. Trevelyan 1599

India (Bengal)—The Durbungh Raja—Question, Mr. O'Donnell; Answer, The Marquess of Hartington 1600

Egypt—The Political Crisis—British Refugees—Questions, Mr. Onslow; Answers, Mr. Campbell-Bannerman 1601

Protection of Person and Property (Ireland) Act, 1881—Edmund Stewart—Question, Mr. Corry; Answers, Mr. Trevelyan, The Attorney General for Ireland 1602

Public Works Commissioners (Ireland)—Land Improvement Loans—Question, Mr. Gibson; Answer, Mr. Courtney; Question, Mr. T. P. O'Connor; [No answer] 1602

Army—Instruction in Military Tactics—Question, Mr. Anderson; Answer, Mr. Childers 1603

Coolies (Indian)—Emigration to La Reunion—Question, Mr. R. N. Fowler; Answer, The Marquess of Hartington 1603

The Assassinations in the Phœnix Park, Dublin—Withdrawal of the Police Patrols—Questions, Mr. Healy, Mr. O'Kelly, Mr. Dillon, Mr. Parnell; Answers, Mr. Trevelyan 1603

Evictions (Ireland)—Captain G. Hely—Question, Mr. Marum; Answer, Mr. Trevelyan 1605

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EGYPT—THE POLITICAL CRISIS—Questions, Sir H. Drummond Wolff, Mr. Mac Iver, Mr. Chaplin, Mr. Salt, Mr. Bourke, Sir Stafford Northcote, Mr. Onslow, Mr. Ashmead-Bartlett, Mr. Goschen; Answers, Sir Charles W. Dilke, Mr. Gladstone 1606

EGYPT AND ITALY—CESSION OF ASSAB BAY—Questions, Baron Henry De Worms; Answers, Sir Charles W. Dilke 1610

THE ROYAL MINT—PROFIT ON THE COINAGE OF SILVER—Question, Mr. Williamson; Answer, The Chancellor of the Exchequer .. 1611

LAW AND POLICE—SEIZURE OF ARMS IN CLERKENWELL—Questions, Lord Eustace Cecil, Mr. Mitchell Henry, Sir R. Assheton Cross; Answers, Mr. Childers, Sir William Harcourt 1612

PARLIAMENT—PUBLIC BUSINESS—ARREARS OF RENT (IRELAND) BILL—Questions, Sir Stafford Northcote, Mr. Healy; Answers, Mr. Gladstone 1613

POST OFFICE—THE LETTER CARRIERS—Question, Mr. Schreiber; Answer, Mr. Courtney 1614

EGYPT—SIR EDWARD MALET, CONSUL GENERAL—Question, Mr. Chaplin; Answer, Sir Charles W. Dilke 1614

ORDERS OF THE DAY.

Prevention of Crime (Ireland) Bill [Bill 157] [Fourteenth Night]—
Bill *considered* in Committee [*Progress* 16*th June*] 1615
After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Copyright (Musical Compositions) Bill [Bill 161]—
Bill *considered* in Committee 1715
After short time spent therein, Bill *reported;* as amended, to be considered *To-morrow*, at Two of the clock.

Petty Sessions (Ireland) Bill [*Lords*] [Bill 203]—
Order for Second Reading read 1717
Bill read a second time, and *committed* for *Monday* next.

Highway Rate and Expenditure Bill—*Ordered* (*Mr. Dodson, Mr. Hibbert*); *presented*, and read the first time [Bill 209] 1718

LORDS, TUESDAY, JUNE 20.

Interments (felo de se) Bill (No. 130)—
Moved, "That the Bill be now read 2ª,"—(*The Earl Fortescue*) .. 1719
Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

PARLIAMENT—PUBLIC BUSINESS—THE HOUSE OF LORDS—THE LOCAL GOVERNMENT BILL—Question, Observations, The Earl of Camperdown, Earl Stanhope; Replies, Lord Carrington, Earl Granville .. 1719

THE CHANNEL TUNNEL SCHEME—Question, Observations, Viscount Bury; Reply, The Earl of Morley 1722

EGYPT—THE RIOTS AT ALEXANDRIA—REPARATION TO BRITISH SUBJECTS—Question, Observations, The Earl of Feversham; Reply, Earl Granville:—Short debate thereon 1724

EVICTIONS (IRELAND)—THE LANDLORDS—Question, Observations, The Marquess of Waterford; Reply, Lord Carlingford:—Short debate thereon 1730

COMMONS, TUESDAY, JUNE 20.

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Parliament—Prevention of Crime (Ireland) Bill—Dublin Petition—Petition presented, The Lord Mayor of Dublin (Mr. Dawson) .. 1748

QUESTIONS.

Protection of Person and Property (Ireland) Act, 1881—Release of Persons detained under the Act—Questions, Mr. Healy, Colonel Dawnay; Answers, Mr. Trevelyan 1750
Protection of Person and Property (Ireland) Act, 1881—Prison Warders—Questions, Mr. Healy; Answers, Mr. Trevelyan .. 1751
Parliament—Business of the House—Police Superannuation Bill—Question, Baron De Ferrieres; Answer, Sir William Harcourt .. 1752
State of Ireland—Intimidation—Question, Sir Henry Fletcher; Answer, Mr. Trevelyan 1752
Evictions (Ireland)—The Special, and Resident Magistrates, and the Police—Questions, Mr. Gibson, Mr. J. Lowther, Mr. Healy, Mr. Mitchell Henry; Answers, Mr. Trevelyan; Question, Mr. O'Sullivan; [No answer] 1753
North Sea Fisheries Convention—Ratification—Question, Mr. Birkbeck; Answer, Sir Charles W. Dilke 1756
Law and Police—Case of Charles Frost, wrongfully Convicted—Questions, Mr. Macfarlane; Answers, Sir William Harcourt .. 1756
Protection of Person and Property (Ireland) Act, 1881—Michael M'Sweeney and John Ryan—Question, Sir Herbert Maxwell; Answer, Mr. Trevelyan 1757
Protection of Person and Property (Ireland) Act, 1881—Residences of Released Prisoners—Question, Mr. Donaldson-Hudson; Answer, Mr. Trevelyan 1757
Egypt—The Political Crisis—The Fleet at Alexandria—Question, Sir H. Drummond Wolff; Answer, Mr. Campbell-Bannerman .. 1758
Evictions (Ireland)—Death from Exposure after Eviction at Rhode, King's Co.—Questions, Mr. Molloy, Mr. Sexton; Answers, Mr. Trevelyan 1758
Ireland—Advances to Irish Landlords on Irish Estates—Question, Captain Aylmer; Answer, Mr. Courtney 1760
Select Committee on Railway Rates—Draft Report—Question, Mr. E. Stanhope; Answer, Mr. Evelyn Ashley 1761
Egypt—The Political Crisis—Questions, Mr. M'Coan, Mr. A. J. Balfour, Mr. Arthur Arnold, Mr. J. Lowther, Sir H. Drummond Wolff, Mr. Bourke, Mr. Onslow; Answers, Sir Charles W. Dilke, Mr. Gladstone, Mr. Campbell-Bannerman 1761
Evictions (Ireland)—Lord Rossmore's Estates—Question, Mr. Dillon; Answer, Mr. Gladstone 1766
Parliament—Business of the House—The New Rules of Procedure—Question, Mr. Gorst; Answer, Mr. Gladstone 1767
Parliament—Parliamentary Elections (Corrupt and Illegal Practices) Bill—Question, Mr. Cavendish Bentinck; Answer, Mr. Gladstone .. 1768
Parliament—Business of the House—Questions—Question, Mr. Mac Iver; Answer, Mr. Speaker 1769

MOTION.

Parliament—Business of the House—Ministerial Statement, Mr. Gladstone 1769
Moved, "That the Arrears of Rent (Ireland) Bill have precedence, on every day for which it is set down, of all other Orders of the Day and Notices of Motions, except the Prevention of Crime (Ireland) Bill,"—(*Mr. Gladstone.*)

PARLIAMENT—BUSINESS OF THE HOUSE—*continued.*

After long debate, *Moved,* "That the Debate be now adjourned,"—(*Mr. R. N. Fowler:*)—After further short debate, Motion, by leave, *withdrawn.*

Original Question put:—The House *divided;* Ayes 253, Noes 97; Majority 156.—(Div. List, No. 158.)

ORDERS OF THE DAY.

Prevention of Crime (Ireland) Bill [Bill 157] [Fifteenth Night]—

Bill *considered* in Committee [*Progress* 19*th June*] 1806

After long time spent therein, Committee report Progress; to sit again *To-morrow.*

Vagrancy (*re-committed*) **Bill** [Bill 199]—

Bill *considered* in Committee 1883

After short time spent therein, Bill *reported;* as amended, to be considered *To-morrow.*

COMMONS, WEDNESDAY, JUNE 21.

ORDER OF THE DAY.

Prevention of Crime (Ireland) Bill [Bill 157] [Sixteenth Night]—

Bill *considered* in Committee [*Progress* 20*th June*] 1888

After long time spent therein, it being a quarter of an hour before Six of the clock, the Chairman left the Chair to report Progress; Committee to sit again *To-morrow.*

Labourers' Cottages and Allotments (Ireland) Bill—*Ordered* (*Mr. Villiers Stuart, Sir Patrick O'Brien, Sir Hervey Bruce, Colonel Colthurst, Mr. Blake, Mr. O'Sullivan*); *presented,* and read the first time [Bill 212] 1968

LORDS.

SAT FIRST.

MONDAY, JUNE 5.

The Lord Barrogill (the Earl of Caithness), after the death of his father.

MONDAY, JUNE 19.

The Lord Erskine, after the death of his father.

COMMONS.

NEW WRIT ISSUED.

MONDAY, JUNE 12.

For the County of Banff, *v.* Robert William Duff, esquire, Commissioner of the Treasury.

NEW MEMBER SWORN.

MONDAY, JUNE 19.

For *the County of Banff*—Robert William Duff, esquire.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Third Session of the *Twenty-Second Parliament* of the
United Kingdom of *Great Britain* and *Ireland*,
appointed to meet 29 April, 1880, in the Forty-third
Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

FIFTH VOLUME OF SESSION 1882.

HOUSE OF LORDS,

Monday, 5th June, 1882.

MINUTES.]—*Sat First in Parliament*—The Lord Barrogill, after the death of his father.

Select Committee—Law relating to the Protection of Young Girls, The Lord Bramwell *added.*

Public Bills—*First Reading*—Parliamentary Oaths Act (1866) Amendment* (111); Justices' Jurisdiction (112); Poor Rates* (113); Entail (Scotland) (115).

Committee—Report—Inclosure (Arkleside) Provisional Order* (92); Inclosure (Bettws Disserth) Provisional Order* (93); Inclosure (Cefn Drawen) Provisional Order* (94); Local Government (Ireland) Provisional Order* (95).

JUSTICES' JURISDICTION BILL.

BILL PRESENTED. FIRST READING.

LORD BRAMWELL, in presenting a Bill to extend the Jurisdiction of Justices in General and Quarter Sessions of the Peace to cases of burglary and forgery, said, that neither of those crimes could at present be tried at Quarter Sessions, and that his proposal was that it should be permissible to try them at such Sessions, it being left to the committing magistrate to say whether a case should be tried at Sessions or at Assizes. There was no doubt there were many cases in which it was desirable that the accused should be tried by the best tribunal the country could afford; but, on the other hand, he might point out that cases of burglary often partook of a trivial character. For example, if a man should open a window, put his hand behind it, and steal a small piece of beef, his offence would amount to burglary, and, according to the present law, would of necessity be tried at Assizes.

Bill to extend the Jurisdiction of Justices in General and Quarter Sessions of the Peace—*Presented* (The Lord Bramwell); read 1^a; and to be *printed.* (No. 112.)

EGYPT (POLITICAL AFFAIRS).

QUESTION.

The Marquess of SALISBURY: My Lords, there is a Private Bill coming on which will occupy some little time; and, therefore, I wish now to ask the noble Earl opposite (Earl Granville) a Question of which I have been unable to give him Notice. I am afraid that, under present circumstances connected with Egypt, it is impossible to give Notice with respect to information which sometimes, as in this case, only reaches us an hour or two before your Lordships meet. I wish to know, Whether the noble Earl is able to give any information to the House with respect to that which he stated to be the remedy for the Egyptian difficulty, on which Her Majesty's Government relied—namely, the project of assembling a Conference at Constantinople; and, whether it is true, as rumoured, that the Sultan has refused his assent to such a Conference?

Earl GRANVILLE: My Lords, I think the noble Marquess might have given me Notice of this Question; but in reference to the statement appearing in the morning newspapers, I can only reply that, while the Sultan does not think it necessary that a Conference should be held, I have no hesitation in stating that he has not refused his assent. I am able also to contradict another erroneous statement that has appeared in the newspapers. It is entirely untrue that Lord Dufferin has recommended Her Majesty's Government to abandon the Conference.

The Marquess of SALISBURY: I wish, if I may do so, to put to the noble Earl another Question, of which I did give him Notice two days ago—namely, with respect to the earthworks at Alexandria. Have Her Majesty's Government given any instructions with respect to those earthworks—instructions to press in any manner on the authorities who are now governing in Egypt the expediency of abstaining from prosecuting the construction of the earthworks; and have any instructions on the subject been given to the officer in command of Her Majesty's Fleet in consequence of the earthworks being commenced?

Earl GRANVILLE: My Lords, we have had communication with our Admiral at Constantinople and our Agents in Egypt on the subject; but the noble Marquess will agree with me that it would not be right for me to indicate the nature of any instructions that have been given on the subject.

The Earl of CARNARVON: I wish to ask another Question, of which no Notice has been given. It has been stated——

Earl GRANVILLE: I must press the noble Earl to give me Notice of the Question.

The Earl of CARNARVON: My Question arises out of the answer just given, and I consider that I am perfectly justified in putting it. It is stated in to-day's papers that guns are being placed in the earthworks at Alexandria. I shall be glad to know, if the noble Earl is aware of the truth or untruth of that statement?

Earl GRANVILLE: As a matter of fact, I believe orders have been given that no further armament shall be placed in those earthworks.

WREXHAM, MOLD, AND CONNAH'S QUAY RAILWAY (EXTENSIONS AND DOCK) BILL.

MOTION FOR RE-COMMITMENT.

The Duke of WESTMINSTER, in rising to move that the Wrexham, Mold, and Connah's Quay Railway (Extensions and Dock) Bill be re-committed to another Select Committee, and, at the same time, presenting Petitions in favour of the Motion, said: My Lords, I cannot allow this Bill to proceed without asking your Lordships to re-commit it; and I have taken what I know to be a somewhat unusual and exceptional course, because, as I am about to endeavour to show to your Lordships, the proceedings taken by the Select Committee, who have already had the Bill before them, testify that the course they have followed has also been unusual and exceptional. The matter, therefore, requires at your hands unusual and exceptional treatment. But there are precedents in your Lordships' House for the re-committal of a private Bill, such as this is, by your Lordships. There was one in 1859; and though I am aware that the House, as a rule, supports the decision of its Committees, still I am also aware that, having a strong sense of the public estimation with which the decisions of your Committees are regarded, where a sense of justice requires it, your Lordships have justly held that Bills should be re-committed to another Select Committee. If, therefore, I can show that the action of this Committee in the present case has been somewhat irregular and somewhat unusual, I know that your Lordships will, doubtless, allow it to be re-committed. I will very briefly allude to some of the facts with regard to the case itself, and will then call attention to what the Committee actually did with regard to it. The Wrexham, Mold, and Connah's Quay Railway Company was formed about 20 years ago. It is independent of two great Railway Companies at either end—namely, the Great Western on one side and the London and North-Western Railway on the other. It was formed for the purpose of giving the collieries in the district access to the River Dee at a place called Connah's Quay—the coal raised in that district being very considerable. In Denbighshire the output in the year 1861 was 1,260,000 tons, and in 1881 it had increased to 1,874,000 tons. Since that time the Great Western has tapped the district to a considerable extent by carrying branches through the coalfields of Denbighshire, the result being that that railway has largely increased its traffic, having in 1870 carried 643,000 tons of coal from the district, while in 1880 it carried 960,000 tons. At the same time, the prosperity of the district has been greatly retarded by the want of better outlets for the coal, and the inhabitants are not at all satisfied with the accommodation which has been given them by their railway, or by the system of the Great Western Railway; and they have, therefore, brought forward this Bill, the provisions of which give them access to Connah's Quay on the River Dee. It is rather difficult to explain all the various extensions and junctions which the Bill provides, and it is almost impossible to do it; but perhaps it is not necessary for the purposes of my argument. There are no engineering difficulties with regard to the making of the proposed line, and the money which will be necessary will, I understand, be forthcoming. The population of the district amounts to 45,000 souls; and I may say that, almost without exception, the whole population and the whole trade of the district are in favour of the Bill. There are 498 owners of land and lessees of collieries in the district, and only one is opposed to it. The only formal opponent to the measure is the Great Western Railway Company, who, I willingly admit, have done a great deal with regard to the development of the trade of the district by carrying branch lines into it; but the population of the district feel that they have not done all that they could. Of course, what they have done, they have done as much with a view to their own advantage, as well as to that of the advantage of the district; but I admit that they have done a great deal to the district, especially with regard to the collieries which I happen to own myself. The Bill before the Committee gives them extended accommodation for the increasing trade of the district, and that is the case with regard to the railway itself. Now with regard to the action of the Committee. The Committee met on the 11th of May. Mr. Rodwell, the counsel for the promoters, made his opening statement, and in the course of it he said more than once—and laid great stress on the observation—that he would shorten his address for the convenience of the Committee, because he relied principally upon the evidence to be given in support of the promoters' Bill. Witnesses were called, and among them Mr. Charles Townshend, who is the Chairman of the Westminster Brymbo Coal and Coke Company, by far the largest colliery in the district, which has an output of about 200,000 tons per annum, and his evidence went to show that he wanted a connection with the London and North-Western in order to get to Holyhead and Connah's Quay. The evidence of the other witnesses was to the same effect. Mr. Townshend, moreover, stated that, by the proposed system of railways, he would be able to get his coal carried at a cheaper rate than by using the Great Western Railway. The Committee examined only 10 witnesses, out of some 40, whom the promoters wished to bring forward, and of those 10 witnesses, five—one of whom was the engineer—gave only general evidence; the others gave specific evidence. After hearing these witnesses for about three hours, the Chairman of the Committee, speaking on the same afternoon when the proceedings had been opened, the 11th of May, said that they would pass that part of the Bill which related to the upper end of the proposed railway system—the end close to the River Dee, and that was done in spite of there being no other opponent to the Bill beside the Great Western Railway, who were not heard at all against it. Well, that part of the Bill was passed, and they said they would not pass the other portion of the Bill; the result being that the Committee passed that part of the Bill, which was practically useless without the Wrexham end of the line, and the other part was ignored; the extensions, &c., were passed over, and thus the Bill was practically thrown out. The Chairman of the Committee used these words—

> "The Committee are fully impressed with the advantages that would be derived by competition, the only question being whether the competition would be fair, and whether the project is a good or a bad one."

Notwithstanding this opinion of the Committee, they refused to hear the evidence as to whether the project was "a good or a bad one;" and they did not appear to think that the proposed competition with the Great Western Railway would be fair, or that the project contained in this Bill was a good one. The fact was, however, that the Chairman admitted that the proceedings were virtually stopped, when, practically, no evidence was given to show the merits of the proposal, or rather when only one-fifth part of the evidence had been given. The Petitions that I present are from 2,524 inhabitants of the district. They were got up in a hurry; and, in addition to this, there is also a Petition from an enthusiastic meeting held at Wrexham near the lower end of the proposed railway—a meeting at which 1,500 persons were present. There is likewise another Petition from the Mayor and Corporation of Wrexham, and bearing their corporate seal. I mention these things to show that there is very great feeling in the district with reference to this subject about the Bill being re-committed. The whole district is in favour of the Bill, and the people think it a very great hardship, and a very unfair thing, that the Bill should be thrown out in this very summary manner, without at least going fully into the evidence, which, I think, the Committee were bound to do before adopting such a course. In introducing this subject I promised your Lordships' House a precedent in favour of the course which I am now taking; and I will refer just briefly to a precedent of the 12th April, 1859, when the Bill on the subject of the Thames Watermen and Lightermen was before the House. It does not, however, quite run on all fours with the present case. In that case, the opponents of the Bill were not heard fully by the Committee. The Committee was presided over by a noble Relative of my own (Lord Ebury), who is not now present, and Lord Campbell asked that the Bill be re-committed, and in doing so said—

> "That the Committee sat on the 29th of last month, when the case of the petitioners was opened, and evidence was tendered on their behalf. . . . . . On the 4th of this month the opponents gave evidence against the Bill; but afterwards, on the 11th of April, though there remained several witnesses to examine, and without hearing counsel, the Committee cleared the room, and afterwards announced that they had come to the conclusion that the Preamble of the Bill had been proved."

Lord Campbell further said—

> "That this appeared to be a very unusual and unfair course to pursue. . . . . . There could be no disparagement to the Committee in saying that they had decided under mistake, and that the matter should be referred back to the same Committee for re-consideration."—[3 *Hansard*, cliii. 1618.]

I will now refer to what was said on that occasion by the noble Earl opposite, whose opinion upon these questions your Lordships always treat with respect. The noble Earl, then Lord Redesdale, said that—

> "A chief consideration in this matter was the effect it would produce on the public at large as to the character of their Lordships' proceedings."—[*Ibid.* 1621.]

That is a remark very well worth weighing in the present case. My noble Friend (the Duke of Somerset), following the noble Earl, said that—

> "The question with which their Lordships had to deal was one of considerable difficulty. On the one hand they would be most anxious to uphold the character of their Committees; but, on the other hand, they would be no less anxious that the decisions of those Committees should enjoy the confidence of the public. . . . . . He therefore thought that the Bill should be re-committed."—[*Ibid.* 1622-3.]

That remark was equally applicable with that of the noble Earl opposite to the present occasion. In that case the opponents' evidence had not been put forward; in this case, the promoters' case had not been fully gone into, but had been summarily dismissed. Under all these circumstances, what I ask your Lordships to do—and I ask it with the utmost confidence—is to vote for the Motion which stands in my name for the Bill to be re-committed to another Select Committee.

Moved, "That the Bill be re-committed to another Select Committee."—(*The Duke of Westminster.*)

LORD METHUEN said, that as Chairman of the Select Committee in question, he should not detain the House by going into details of what the Committee did; but he should rely upon this—that what they did was done in the public interest. It was a peculiar Bill. It was an abandoned line, and the proposal was to obtain a better financial condition. There were other objectionable proposals in the Bill. He would just remark, in passing, that he only wished that their Lordships had had a map of the district showing the proposed railway in the outer Hall, and then he did not think that there would be one of their Lordships but who would require much stronger evidence than could be possibly given to induce them to believe that this Bill was one which ought to be passed in the way in which its promoters wished it to be passed. The line was impecunious, and, indeed, he might say was bankrupt. The noble Duke (the Duke of Westminster) thought that his interests and those of the proprietors of land in the district was not sufficiently attended to in the decision that they had come to; but the Committee decided upon another and much better way for providing for the interests of the district. If the promoters had gone to the Great Western, and had asked them for through rates or more running powers, they would have come before the Committee with clean hands; but they did nothing of the sort, preferring simply, as it were, to work on their own hook. The decision the Committee arrived at was one which they came to in the interest of the public; and he, therefore, held that, under the circumstances, the Committee were bound to protect the interests of the opponents. They were unanimous. There was not a single Member of the Committee who cast a doubt on the decision that they came to. He could only say that he never came to a decision which he intended to uphold more than in the present case. It was given for the benefit of the public and the railway interest at large.

THE EARL OF DARTMOUTH said, that, having been a Member of the Committee now brought prominently before their Lordships, he wished to say a few words, and he should not trespass very long upon their time. He would say, at the outset, that he could entirely endorse what had been said by the noble Lord who had just sat down (Lord Methuen), the Chairman of the Committee which sat on this Railway Bill. That noble Lord very properly said that he wished their Lordships had a map before them to assist them in their decision upon this question, for by its means they would not only be able to see those lines projected all over a particular tract of country like an octopus, but they would easily see that one limb of the octopus was not sound—that particular limb had been some time out of working order, and was not fit to be used. He could only say that the Committee were unanimous in their decision that the promoters had not made out their case. He had to make a further remark with regard to a whisper that the Committee had some corrupt Great Western influence brought to bear upon them. He could say positively that no Great Western influence had any possible effect upon him. He had the misfortune of living on a northern branch of the Great Western, and he could confidently affirm that a more unsatisfactory line to dwell upon there could not be. He said nothing about the main line of the Great Western, for he knew nothing about it. So far from showing any undue bias in favour of the Great Western, he might call the attention of the House to Question 341, which he (the Earl of Dartmouth) put to a witness—Mr. Kenyon—which was in these words—

> "I daresay it is your experience that the Great Western Railway have very good reasons to give for not giving additional accommodation."

In print, of course, the irony of that question was completely omitted. He (the Earl of Dartmouth) put it ironically, and the witness to whom he ventured to put it took it up ironically. He repudiated for the whole Committee, as well as for himself, any other wish than that of doing justice to the public, and to prevent the creation of unnecessary branches by an impecunious and almost insolvent Company.

Lord ABERDARE said, it might be objected to the noble Duke who moved the re-commitment of the Bill (the Duke of Westminster) that, being personally interested, he was not entitled to be heard. He (Lord Aberdare) wished to say that he was wholly disinterested; and he said so, because he inhabited a portion of the Principality, and some people considered that Wales was a sort of geographical unit or area, where everybody knew everybody else, and where the actions of one part of the Principality are known to the other. Living at Glamorgan, he was ashamed to say that he never heard in his life of the Wrexham, Mold, and Connah's Quay Railway until the other day, when a friend of his called his attention to the facts of the case, and asked him to look into them, as he thought that the circumstances were very unusual. He did look into these facts, and what did he find? Living as he did in the centre of a mineral district, he was, perhaps, very sensitive as to the amount of accommodation required for the mineral traffic; but he found a railway in existence from Wrexham to the River Dee, which was doing very little business. At one end of the Dee it had a connection, and at the other end it was not connected with the other railways. Wrexham was a town of 20,000 inhabitants; but it was surrounded by a girdle of mining villages, and it was of the utmost importance that there should be a number of branches in order to make the place useful. Now, into the merits of the case he did not go for a moment. In his opinion, when a Committee saw that a Bill was promoted under such circumstances, they should hear all possible evidence. If they were of opinion that the evidence was insufficient to pass the Bill, they were more than justified in stopping the evidence. But what did he find here? He found, in the first place, that out of 13 railways, three were carried, those three all connected with the branches. That would be like setting up a trunk without the branches. There was one opponent, Mr. Freeme, who objected to certain lines; and the announcement was made that the Committee was favourable to the granting of those lines; but Mr. Freeme's Counsel said that he should not, after what had fallen from the Committee, make any observations, but reserve them for "another place;" and that was the usual thing. With respect to the feeders of the line, he (Lord Aberdare) said, in his opinion, the Committee were not justified in treating the evidence as they did. At a very early period, when 10 only out of 40 witnesses had been examined, the Committee cleared the room, and called for engineering evidence. The engineering evidence they appeared to be satisfied with; and having heard 10 out of 40 or 50 witnesses, they held that those portions of the Bill—one of them the most important of all for the purposes of the Bill—should not be passed. What was the consequence? The whole of the district was up in arms. With the exception of the Great Western Railway, there was not a man but who was for this line. He (Lord Aberdare) was told that the line was impecunious. He could not understand a railway, existing as it was, being otherwise. But, at any rate, he had the positive assurance of gentlemen of capital and respectability that they were ready to find £170,000 for the purposes of this railway at once. He did not think that anyone present would think that the Committee had acted under any pressure; but, nevertheless, he considered that, under the circumstances, there was a case to justify the re-committal of the Bill. He cast no reflection upon any Member of the Committee. There was no person who questioned that they were acting in the interest of the public, and not of any particular railway. He (Lord Aberdare) was a shareholder in the Great Western. Most of the Directors were his personal friends. His interests, as an owner of minerals, would lead him to wish success to the Great Western; but he had examined this matter, and could come to no other conclusion than that the Committee were not justified in rejecting the most important portions of the line without hearing the whole of the evidence bearing upon them. He, therefore, supported the Motion of the noble Duke (the Duke of Westminster).

Earl DE LA WARR said, the question was not whether the Bill was a desirable one; that question could not be settled by their Lordships now, for it was impossible for them to know whether it was desirable to make the line or not; but the question was, as he understood it, whether the promoters of the Bill had had a fair hearing before the Committee? It appeared that, although the Bill was supported by all the owners and occupiers of land with one exception, though it was supported by all the landed interest of the country, though they brought forward a large number of witnesses in support of their case, yet when the matter came before the Committee only one-fifth of those witnesses were examined before the Committee. The noble Lord opposite (Lord Methuen), acting as the Chairman of the Committee, stated that no evidence which could be produced before them could alter the decision of the Committee. Now, he (Earl De La Warr) would put it to their Lordships that inasmuch as there was only one-fifth of the witnesses called, how could it be possible that nothing—no number of witnesses that might be produced—could alter the decision of that Committee, seeing that those witnesses were prepared to give important evidence? Therefore, he would ask their Lordships whether the promoters of the Bill, upon that ground alone, could have had a fair hearing of their case before the Committee? He thought the character of their Lordships' House was also concerned in the matter, and, for the reasons he had given, should most certainly support the Motion of the noble Duke opposite (the Duke of Westminster).

Earl GRANVILLE said, he came down to the House that evening quite ignorant of the merits of the question; and he hoped his noble Friend (the Duke of Westminster) would forgive him, when he (Earl Granville) said that he came down not inclined to vote with him on a Motion to re-commit a Bill when the Committee had unanimously decided on a certain course. From what he had heard in the debate, however, he was inclined to alter that view. At the same time, he gave no opinion as to the abstract merits of the question. He thought it was quite possible that the Committee might be right, and that it was not desirable that the Bill should be passed. But whether they were or were not right in taking that course, there appeared to be a fact stated which was not denied, that the course which the Committee adopted was not to allow the promoters' case to be heard. That being so, without any feeling of disrespect to the Committee, he thought that so important, that, as a matter of principle, the Bill should be re-committed.

The Earl of LIMERICK, in opposing the Motion, said, knowing nothing about the matter except that it was a Motion to re-commit the Bill to another Select Committee, he must say that he thought that it was one that their Lordships should hesitate in supporting. He must say that he himself could not vote for it; because it was not—as had been represented by every noble Lord who had spoken—the re-committal of the Bill to the Committee to hear further evidence; it was a Motion that the Bill should be referred to another Select Committee. He could not imagine any stronger Vote of Censure on a Select Committee of their Lordships' House than passing a Motion in those words; and he thought the noble Duke opposite (the Duke of Westminster) had altogether failed in producing such a precedent as would justify their Lordships in adopting the course recommended in the Motion. It appeared to him to be a very extreme mode of dealing with the matter, inasmuch as it would appear on the Notices of their Lordships' House, and could not but for all time be viewed as a Vote of Censure upon a Committee who had acted to the best of their ability for the public good. Viewing it in that light, without in any way knowing anything of the merits of the Bill, and knowing how strongly he (the Earl of Limerick) should have felt it, if he had been a Member of that Committee and such a course had been taken—in fact, he should not have felt justified in sitting on a Select Committee again, he should not be able to vote for the Motion brought forward by the noble Duke.

Lord WENLOCK said, that in supporting the Motion of the noble Duke (the Duke of Westminster)—and he felt bound to do so—he might premise by saying that he appeared in this case as an interested witness. He himself was looking forward to the decision of the Committee upon the Bill, and he could barely express the feelings of those who were promoting it, when he said that great disappointment was felt when they found that the Committee had thrown out the Bill. From a statement in their Lordships' hands, their Lordships would see that the evidence that the Committee thought fit to take was such as hardly justified them in coming to their decision. The fact that public meetings had been held in Wrexham and the district showed the general disappointment which had been felt at the decision of the Committee; and he knew that he could speak for the promoters of the Bill as to the great disappointment which they had felt. It had been moved by the noble Duke that the Bill should be referred to a fresh Committee; and he (Lord Wenlock) could not help thinking that that was the only solution. The old Committee had lost one of its Members by death, and that offered additional facility for the appointment of a fresh Committee. He did not wish to impugn the reasons on which the Members of the Committee acted; but for the promoters and for himself he should feel it very unsatisfactory if the Bill were to go back before the same Committee. They would feel bound to justify their former decision; and if they passed the Bill they would only stultify the opinion they came to before. Therefore, he hoped that their Lordships would support the Motion of the noble Duke. He need hardly say that the British public had the fullest confidence in their Lordships' House; and he could only say that that evidence had been shaken by the manner in which the Committee had arrived at their decision. He appealed to their Lordships' sense of justice, and to the knowledge of the magnitude of the interests involved that they now possessed, and trusted that they would support the Motion of the noble Duke.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES): My Lords, I feel that this is a very difficult question. There is no doubt that it is most important that decisions of Committees of this House should be supported. In this case we have a most distinct statement from the Chairman of the Committee, and by another Member of that Committee, of the manner in which they were satisfied with regard to the decision to which they came; and it is a very difficult matter for us to decide how we are to treat questions of this sort, which are brought forward in the manner in which this question has been put before the House. If because those persons, who are interested in a particular measure, and are dissatisfied with the decision of the Committee, are to come before the House and ask a Bill to be re-committed because they are dissatisfied with that decision, it seems to me to be establishing a precedent of a very dangerous character, and one which, if we do not take care, may lead to very injurious consequences indeed. And I may say, and I cannot help noticing, that it is unfortunate that the Motion and the support of it comes from parties distinctly interested in the matter. In the instance quoted, and almost the only one in support of it, is that one which is mentioned with regard to the Thames Watermen and Lightermen Bill. In that case, the Motion for a re-committal of the Bill was moved by the then Lord Chief Justice of England (Lord Campbell), who had inquired into the case, and he was dissatisfied with the course adopted. His Motion was to refer it back to the Committee, in order to hear further evidence. From what passed in the House, however, in the remarks from the different Members of the Committee, it was thought not to be expedient to refer it back to the same Committee; and it was, therefore, referred back to another Committee. But the question was brought forward before the House in a very different manner from the way in which this question has been introduced, which, in my opinion, is one which requires very careful handling. There is one point to be taken into consideration, and that is the action of the promoters of the Bill. When the Committee said that they were ready to allow the Bill to pass in a certain form, the promoters said that it would be useless for them unless they had the entire provisions of the Bill; and they, therefore, desired to withdraw the Bill. There was practically a withdrawing of the Bill by the promoters themselves; and if the action had been taken upon the withdrawal of the Bill, the Motion for its re-committal could not have very well been made. The Committee came to the conclusion that, after that statement, it was more desirable not to put the parties to further expense, and then they decided on the terms with which these gentlemen are not satisfied. Upon that a Motion is made for the Bill to be re-committed. There may be an impression in the minds of many a noble Lord that further evidence should have been heard; but whether that was so or not I shall not discuss. I confess, for my own part, taking the manner in which the question has been brought before the House and the consequences, if this Motion is to be adopted, that persons interested in a measure who are not successful, are to seek to re-commit a Bill by bringing it before the House itself, it is, I think, under these circumstances, that it would be attended with such danger that I shall not be disposed to vote with the noble Duke.

THE LORD CHANCELLOR: My Lords, I am quite as desirous as the noble Earl the Chairman of Committees to support a Committee of this House, and I am sensible that a great deal of inconvenience would result to the House if Motions were made by persons interested, merely because they were dissatisfied with the decision of a Committee, or, I will add, by anybody else, who chose to re-open the question by referring the matter back to a Committee. But the very importance of preserving the public respect for, and confidence in, the decisions of the Committees of your Lordships' House makes it equally necessary to attend to any representations which may be made, if by inadvertence—and I do not doubt the very best and most upright intentions—there has been a deviation in substance from the rules which, according to the established principles of justice, ought to regulate the proceedings of your Lordships' Committees. Now, the short ground on which it appears to me that an error of that kind has been inadvertently made—and, as I say, I do not doubt with the very best intentions—on this occasion is this. The promoters had opened their case, and when they had produced some evidence in support of their Bill, but with the greater part of their witnesses remaining unexamined, the proceedings were suddenly stopped by the Committee declaring a foregone conclusion, and that, my Lords, not against the whole scheme, but in favour of a certain part of the scheme which, as I recollect, related to some branch railways to connect the lines with the sea, and against those other parts of the scheme which related to other short railways by which the line was to be fed. I think that was a most unfortunate course. It is said in the Paper which has been circulated by the promoters of this scheme, that they had not had any opportunity of producing the greater part—if, indeed, they had produced any part—of the evidence in support of those portions of the scheme which the Committee were disposed to reject. I am unable to distinguish this case on any principle which I can understand from the precedent referred to by the noble Duke (the Duke of Westminster). The only distinction is, that here, before the promoters had had an opportunity of submitting their whole evidence in support of the scheme, the scheme was suddenly rejected; whereas, in the other case, the same thing happened to the opponents. The opponents had called some evidence, after which they were stopped by the Committee, who decided against them. This House thought that was a mistake which required correcting, and not only did this House think so, but the noble Earl the Chairman of Committees (the Earl of Redesdale), who used arguments as strong as those of any other person on that subject, said—

> "A chief consideration in this matter was the effect it would produce on the public at large, as to the character of their Lordships' proceedings. It was impossible, after what they had heard from the Members of the Committee, to doubt that the Committee had decided without hearing the counsel for the opponents, and he did not wonder, therefore, that they should have complained."—[3 *Hansard*, cliii. 1621.]

My noble Friend said that the Motion on that occasion was made by the then Lord Chief Justice of England (Lord Campbell); but on what principle? Not because he took an interest on the one side or on the other side; but because it was important to preserve the regularity of the proceedings of your Lordships' House, and not to have decisions pronounced until the parties were heard. This is what he said—

> "He regarded this Motion as very similar to what was well known in the Courts of Law—namely, sending back an award to be reconsidered by the arbitrator;"

and then he gave his reasons for altering the original form of his Motion, which was to re-commit the Bill to the same Committee. He said—

> "When he heard one Member of the Committee say that the *onus* was entirely on the petitioners . . . . . and another, that his mind was made up, and a third that he had conclusively made up his mind, he (Lord Campbell) was disposed to change his Motion and move for a new Committee."—[*Ibid.* 1623.]

The noble Earl the Chairman of Committees, at the same time, said this—

> "After what had fallen from the noble Lords who formed the Committee, it would be useless again to refer the Bill back to them, and he therefore should support the appointment of a new Committee."—[*Ibid.*]

I think, under these circumstances, it is no disrespect at all to the Members of the Committee, in the present case, to adopt the same course of proceeding. I think it is not so invidious as to call upon them to hear the case again. Of course, I very much regret to have to take this course; but under the circumstances I see no other way than to recommit this Bill to another Committee.

LORD METHUEN: My Lords, after what has fallen from the noble and learned Lord (Lord Selborne), and from four or five of your Lordships, I do not think it would be for the public interest that I should divide the House.

Motion *agreed to;* Bill *re-committed* accordingly: The Committee to be proposed by the Committee of Selection.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—RELEASE OF MR. PARNELL AND OTHERS CONFINED UNDER THE ACT.

MOTION FOR PAPERS.

THE MARQUESS OF WATERFORD, in rising to draw attention to the recent release of "suspects" imprisoned under the Coercion Act, and to move for any Correspondence connected therewith, said: My Lords, I had some time ago a Question upon the Paper relating to this subject; but I withdrew that Question, as I was informed that the Prime Minister had stated, in "another place," that he would take into consideration whether or not he would be able to produce the Correspondence, or some of it; and I thought if further information was likely to be forthcoming, it would be better to wait until that information was before your Lordships' House. But now I am informed that the Prime Minister has refused to produce that Correspondence; and I think both your Lordships and the country require, and it is most desirable, that some further information should be given upon this most serious matter. Indeed, I may say it is positively necessary, because the extraordinary and dangerous disclosures which have been made—disclosures which have been most damaging to the Government, and which are a source of the very greatest danger, to my mind, to this and all future Governments in Ireland—require some further light thrown upon them than has yet been the case, and cannot be explained away by a simple denial; and the greatest doubts and anxiety exist in England, and the gravest danger may arise in Ireland, if what has been called "the information" placed at the disposal of the Government by the Land League, and "the information placed at the disposal of the Land League by the Government," cannot be more clearly defined than it is at present. The country has been told by Mr. Gladstone that there has been no compact and no terms of compromise; that the Government have given nothing and have received nothing in return; but, at the same time, the information received was sufficient to induce Her Majesty's Government to entirely reverse all their former policy, to make them sacrifice their Chief Secretary, and also to bring in a Bill amending an Act which was of late so sacred in their eyes that they absolutely passed a Vote of Censure on your Lordships' House for having appointed a Committee to inquire into its administration. What are the disclosures which I have referred to? The first of them was caused by Mr. Parnell reading a letter in "another place," originally written by him and addressed to Mr. O'Shea for the purpose of being laid before the Cabinet. Mr. Parnell read that letter with a view of clearing himself before the people of Ireland, and he omitted or suppressed the most important paragraph in that letter, because it would, if it had been read, have had exactly the contrary effect, for it would have proved that he was prepared, upon certain terms, to place his services at the disposal of the Government. The Members of the Cabinet who sat by and heard that letter read must have been well aware that the most important paragraph was omitted, a paragraph so important that it caused Mr. Gladstone to write a letter to Mr. Forster upon it, saying that it would not be right for him to accept Parliamentary support from the Land League, at any rate, at the present time; but not one of them thought fit to rise in his place and draw attention to the omission which had been made; and unless Mr. Forster had produced a full copy of the letter, feeling that his honour was imperilled, no one would have had any idea of the overtures made by Mr. Parnell to the Government; and it is not difficult to understand why the Government thought it better not to correct that omission. I do not wish to say anything to which Members of the Cabinet may take exception; but, at the same time, I think it very extraordinary that they should have sat by and allowed the letter to be read with that most important paragraph omitted. But Mr. Forster laid down three stipulations, upon any one of which, if it had been fulfilled, he said he would have been prepared to remain in the Government, and yet to allow the "suspects" to be released. The first of these stipulations was, that a promise should be given by the Land League Leaders that they would obey the law, without any promise being given in return on the part of the Government. The second was, that Parliament should be prepared to grant further powers for the prevention of crime in Ireland. And the third was, that Ireland should have assumed such a tranquil condition that the "suspects" could be released without danger. In my former Question I alluded to the "negotiations" which have taken place, and which, I believe, resulted in what has been called out-of-doors the "Treaty of Kilmainham;" but I believe Her Majesty's Government have the greatest objection to call them negotiations. My reason for using that word was that I thought, and still think, it must be clear that negotiations did take place, as Mr. Forster, who conducted part of those negotiations, having had most to do with them at the beginning, called them by that name when he said, upon hearing that Mr. Sheridan was to be employed—

> "I was very sorry I had had anything whatever to do with the negotiation, although all I had to to with it was to try to get from the hon. Member for the City of Cork a promise not to break the law. I felt I would have nothing more to do with it."—[3 *Hansard*, cclxix. 791.]

I ask your Lordships, if that promise was given, as Mr. Forster says it was, without a corresponding promise in return on the part of the Government, in the shape of what Mr. Forster called blackmail, what was his reason for leaving the Government, because he distinctly stated that he would have agreed to the "suspects" being released, and would have still remained in the Government, if such a promise was given, provided there were no promises given in return by the Government; and, therefore, I think it seems clear that though this one of his stipulations was complied with, it was complied with in such a manner as to leave the impression upon Mr. Forster's mind that it was impossible, as a man of honour, that he could accept it, or remain in the Government that did accept it. Again, another of the stipulations made by Mr. Forster, by which he could have continued in his position as Chief Secretary and opened the prison doors, was that further powers should be granted by Parliament for the prevention of crime in Ireland; and this was referred to by the noble Earl the Leader of your Lordships' House (Earl Granville), when he stated, in a touching speech which he delivered when a heavy and deep sorrow cast a gloom over this country, in moving the adjournment of your Lordships' House, in consequence of those awful murders in the Phœnix Park, that a Bill for strengthening the administration of justice in Ireland had been before the Cabinet during the week previous to the murder of Lord Frederick Cavendish, and that with a few finishing touches it would be introduced in the week following. I would now ask the noble Earl, whether the Bill he then alluded to is the same Bill, or anything like the same Bill—the Bill for the Prevention of Crime, which, I am told, will shortly come before your Lordships' House, because, if that Bill is the same, surely it would be amply sufficient and strong enough to fulfil all the expressed wishes of Mr. Forster, and, therefore, to allow him to retain his position in the Government and still be able to set the "suspects" free. Therefore, if a promise was given by Mr. Parnell without any promise on the part of the Government in return, and a Bill, such as I have described, had been prepared with Mr. Forster's knowledge and sanction, two out of the three stipulations laid down by Mr. Forster had been fulfilled; and I cannot understand, if that was the case, why Mr. Forster should have resigned, as he stated that, if one alone of those conditions had been fulfilled, he would have been able to retain his position in the Government. We must, therefore, suppose—and it is the only reason I can see—that Mr. Forster was under the impression—and who could be a better judge?—that a compact had been arrived at, which, he believed, would tend to the encouragement of crime, and would seriously weaken the power of this and all other Governments in Ireland, with which, as an honourable man, he could have nothing to do, or countenance by remaining in the Government. That, as far as I can make out, is the only explanation of Mr. Forster's leaving the Cabinet. But it seems that further communications had taken place between the Government and the Land League—communications of a character which would make it appear to the mind of any unprejudiced person, not in the secrets of the Cabinet, that the Government were prepared to make use of what Mr. Forster called the "outrage-mongers" of the Land League for the purpose of putting down outrages in Ireland; or what is the meaning of the remarkable passage in the minute taken down by Mr. Forster after his conversation with Mr. O'Shea, which minute he forwarded to the Cabinet, with his own remarks relating to the operations of Mr. Sheridan in Ireland, and which was to this effect—

> "That the conspiracy which had been used to get up 'Boycotting' and outrages would now be used to put them down?"

Mr. Forster goes on to say—

> "I said to Mr. O'Shea, it comes to this—that upon our doing certain things he (Mr. Parnell) will help us to prevent outrages."

The question, then, which I wish to ask Her Majesty's Government is, have the stipulations contained in Mr. Parnell's letter been fulfilled, and are the Land League in a position

> "To make use of exertions, strenuously and unremittingly, to put down outrages and intimidation of all kinds, and to co-operate cordially for the future with the Liberal Party in forwarding Liberal principles?"

Mr. Gladstone stated that he acted on the information he had received; and, so far as the information is before your Lordships', according to the minute which was circulated among the Cabinet, which is all we know about it, the information he received was to the effect that if he would do certain things the Land League would do certain other things. Well, the Prime Minister has done most of the things specified; but we are not aware that the Leaders of the Land League have either the will or the power to carry out the programme which Mr. Parnell laid down for them, and we want to know whether they can? I do not think, judging from the speeches which Mr. Brennan delivered on the 2nd of June, and which Mr. Davitt delivered in Ireland, that we can say that they, at any rate, are prepared to carry out the programme, or are ready to coalesce with the Government in the forwarding of Liberal principles. Mr. Dillon, in a speech which the Prime Minister described as "heart-breaking"—although, if there was no compact, I cannot understand why the Prime Minister should have expected Mr. Dillon to make a speech in any other terms than those he had used so often before—Mr. Dillon declared that he was not at all disposed to denounce these outrages. Mr. Parnell, certainly, the next day, made a moderate speech, and attempted to explain away some of the remarks made by Mr. Dillon; but, at the same time, he led the House to believe that he had had no communication with that Gentleman; therefore, I do not see how Mr. Parnell could have known better what was in Mr. Dillon's mind than Mr. Dillon himself. Of course, we have the statement of the Prime Minister that there was no compact and no compromise; and that is sufficient proof that, whatever had been the result of the negotiations, at any rate, in his mind it did not amount to what he understands as the meaning of the word "compact." But what we want to know is, what did it amount to? There is not the slightest doubt that it has produced the greatest and most marked difference in the policy of the Government, and some difference also in the policy of Mr. Parnell, as shown by a former speech of his upon the second reading of the Bill to which I have referred before as being shortly about to come before your Lordships' House, in which, though differing from the Government—as from his position in Ireland he was bound to do—about the necessity for such legislation, he yet spoke of the Prime Minister and the Attorney General for Ireland, who had lately said that he (Mr. Parnell) was steeped to the lips in treason, in such admiring, and almost affectionate terms that it would lead one to believe he was soon about to join them, and become one of the most ardent supporters of the Government; but how this difference has been brought about is what we wish to understand. The change of policy has in itself been sufficient to cause the most extraordinary reports to appear in the newspapers, and has, I believe, had the most injurious effect upon the state of Ireland; and, in my opinion, except for the report of an understanding having been arrived at between Her Majesty's Government and the Leaders of the Land League, the awful and horrible murders in the Phœnix Park would never have been committed, for there can be no doubt that report was the direct cause of their occurrence. There is an extreme Party in Ireland, who, whether attached to the Land League or not, look upon the Leaders of that movement as having the same aims and objects in view as themselves, and that is nothing less than the dismemberment of the Empire. That extreme Party, believing that they had been sold by Mr. Parnell, and not wishing to bring about separation by so curious a process as an alliance with the English Government, resolved to make it quite clear that no compromise was possible, and, therefore, they carried out their bloody and infamous work. If it had been clear to these men that no compromise at all had taken place, I do not, for one moment, believe those murders would ever have been committed. My Lords, the position we have arrived at is, that disclosures have been made which point out that there were negotiations between the Government and the Land League; and, whether those negotiations resulted in what has been called the "Treaty of Kilmainham" or not, we have a proof in the resignation of Mr. Forster that he, at any rate, believed that they resulted in a compact. I have been informed that upon the same date upon which Mr. O'Shea visited Mr. Parnell there was another gentleman, who has been described to me, and who visited Mr. Parnell directly afterwards, and there is, I believe, no record of his visit in the book of the gaol; therefore, if this be true, it would appear that, at any rate, he must have been authorized by the Government to attend at Kilmainham. I should like to know from noble Lords opposite whether there is any truth in the report that another gentleman visited Kilmainham by the direction of the Government; and, if so, whether noble Lords opposite will tell us who that other gentleman was? I look upon it as a positive necessity that we should have full and clear information about the whole of these transactions. My Lords, I think it a most terrible thing that there should be an idea in the minds of the people of Ireland, and in the minds of the people of this country as well, that it was possible that any arrangement could have been come to by the Government of this great Empire with the Leaders of a conspiracy whom the Government themselves have denounced as traitors, whom they have imprisoned for treasonable practices, and who they have, over and over again, declared are mainly responsible for the murder, mutilation, and anarchy which exist in Ireland. But facts are stubborn things, particularly if no explanation be given; and the publication of this extraordinary Correspondence, coupled with the resignation, in the circumstances I have named, of Mr. Forster, is likely to lead everybody to the belief that there was an arrangement of some kind or other between those who are responsible for administering the law of the land and those who, the Government themselves have said, have set their unwritten law above the law of the land, and who have enforced the decrees of that unwritten law by outrage and mutilation. Well, my Lords, we have no information except Mr. Parnell's letter and Mr. Forster's minute; the Government have vouchsafed nothing to us, or to the country, except an indignant denial of any compact; we do not know whether negotiations are still going on or not. We do not know anything with regard to the position of the Government in the former negotiations. Under the peculiar circumstances of the case, I do not think that a simple denial is sufficient for the people of England. If there is nothing to hide, why should not the whole Correspondence be made public? It is not like a Correspondence with foreign nations; therefore, why should not the full Correspondence be produced, so that the Government can distinctly show the people of Ireland that they are entirely wrong as to their belief that any surrender has been made by the Government to traitors, and to clear up all the doubt and anxiety which exist, at present, largely among the people of England? My Lords, in the interests of all future Governments in Ireland, in the interests of the good government of this great Empire, and in the interests of Her Majesty's present Government themselves, I trust that if this Correspondence can bear the light of day the Government will agree to my Motion, and be prepared to give us the information we require. The noble Marquess concluded by making the Motion of which he had given Notice.

Moved, "For correspondence respecting the release of certain persons imprisoned under the Act."—(*The Marquess of Waterford.*)

EARL COWPER: My Lords, I wish to say a few words upon this Motion, and I think, perhaps, it will be more convenient if I do so before the noble Earl (Earl Granville) rises from the Front Bench to reply. I was still Lord Lieutenant when these men were released; but I wish to explain that my resignation had been accepted some days before, and from the time that my resignation was accepted I considered myself to be virtually no longer a Member of the Government as filling the position of Lord Lieutenant; and, therefore, I knew no more of all this than any Member of your Lordships' House. I wish to explain that before I signed the document for the release of these three Members of Parliament I sent a telegram begging that it might be left to my Successor, and I only signed the release on the distinct understanding that it was a matter of form, and that I did not commit myself to its policy. I feel, therefore, that I am as much entitled to express an opinion on these facts as any one of your Lordships. I confess that when I received the telegram, announcing the intention of the Government to release the Members, it took me so completely by surprise that I could hardly believe it, and I must say that I thought it a most grave step. Such was not only my opinion, but was the opinion of everybody; and I saw a great many people whom I came across —and I wish distinctly to say that, in alluding to other people's opinions, I am not alluding to any of the permanent officials, because, if I did so, I should be falling into what I consider to be the great mistake made by the noble Marquess opposite (the Marquess of Salisbury) in alluding to a man who is dead, and in attributing to him opinions which, I feel sure, have caused great pain to his relatives; and I think also that by them a slur has thus been cast on a public man whose character is beyond reproach. I may, perhaps, be allowed to say that I cannot believe Mr. Burke ever made use of such language as has been imputed to him. He was, I believe, the very last man in this world to employ such language, or say a word against those under whom he served; and I feel sure that any previous Lord Lieutenant would agree with me. The noble Duke (the Duke of Marlborough) is not present; but I think he would agree with me that Mr. Burke was the last man who would say such things to anybody. I also know he was not particularly intimate with Mr. Staples; therefore, he was not likely to say anything to him of this nature. I think, therefore, that the statements attributed to Mr. Burke are in the highest degree improbable. I also know Mr. Staples to be a man of great honour, who would not willingly lend himself to anything that was wrong; and I feel confident in my mind that there has been some mistake, and I am sorry that the noble Marquess should have called public attention to the matter. I say this to clear myself from being supposed to refer to any of the permanent officials; but all the professional men I met—Judges, lawyers, military and naval officers, landlords, agents, the clergy of all denominations—everybody, I believe, was completely astonished at this sudden step. It was its suddenness which, in my opinion, constituted its chief evil; and I am bound to say that I think the anticipation which we all felt of the evils which would follow has been accomplished. I do not refer to the tragedy in Phœnix Park. We know as yet too little about that deplorable occurrence to say from what motives it arose; but I refer to the effects produced locally in every part of Ireland which had not previously been at all disturbed. It is notorious, and was made so by every bonfire which was lighted on that occasion, both publicly and privately, by what appeared in the Press, and from all channels of communication, that it was looked upon at the moment as a complete surrender; that its effect was most disastrous, and will be to stimulate disaffection, and to make the pacification of Ireland and the restoration of law and order more difficult than it was before. I have spoken of what I consider the great evil of what was done by the release. I also am sorry that the question of arrears has been mixed up in the matter. I am not going to refer to the Bill before Parliament; but I think I may say, without being out of Order, that it is a very delicate matter, and everybody admits that it is most unusual, and contrary to a great many principles which many of us are accustomed to consider sacred. As it is, however, it will be defended successfully or unsuccessfully—perhaps successfully—by the necessities of the occasion; but that it should in any way be supposed to be a sop to the people, to induce them to come forward in the cause of law and order, I cannot admit for a moment. I have said this much openly as to what my judgment is on the policy adopted by Her Majesty's Government; but I certainly do not wish to associate myself with those men of extremely violent views who have made imputations and remarks almost personal in their character upon the Government. I cannot see that there is much force in what has been so often said about an agreement. It has been denied by men of the highest honour, and I am perfectly willing to believe what they have said, that there was nothing in the shape of an agreement. I am also perfectly willing to believe, and I am perfectly willing to admit, that these men could not have been kept in prison for ever. They must have been let out sooner or later, at some time or other; and when the Government received information which induced them to believe that these men would no longer stir up the country, or be instrumental in causing disturbance, there was, I will admit, a difficulty in confining them any longer. They were confined in prison on reasonable suspicion of being the cause of that disorder, and for that reason only. Therefore, there is more, as I have said, in the way it was done than in the doing of the act itself. I was anxious to be able to make this explanation, and am much obliged to your Lordships for the patience with which you have listened to me.

LORD CARLINGFORD: My Lords, my noble Friend the noble Earl who has just sat down (Earl Cowper) is fully entitled to refer to the release of the "suspects" in whatever terms he pleases, and to define and limit his responsibility in the matter. I am not inclined to make any comment on that part of his speech; but with respect to the evil consequences which he supposes—I do not understand upon what grounds or on what authority—have followed upon that decision of the Government, I am bound to differ from him. I know of no reasons whatever for that opinion. Her Majesty's Government know of no reason for it; and both with respect to the release of Mr. Parnell and his Friends under the particular circumstances of the case, and with respect to the prospect of good to be done in Ireland by the measure dealing with the arrears of rent, which I hope will before long come before your Lordships; on both of those subjects I can only say that Her Majesty's Government, according to their information and my noble Friend's Successor in the Office of Viceroy, upon whose information the Government to a great extent depend, differ from the opinion just expressed. I now come to the Motion of the noble Marquess opposite (the Marquess of Waterford), and I confess I find it difficult to deal with the cloud of questions which he has raised. The whole thing resolves itself into this—that the noble Marquess thinks that there is some great mystery—of which we and Parliament know nothing—that there are some great revelations which might be made if only the Government were inclined to make them. All I can say is, that there is no mystery, and that there are no revelations to make. Parliament already knows all that can be known as to the release of the "suspects;" and when the noble Marquess asks mysteriously about the certain other visitors and other communications made to Mr. Parnell in Kilmainham, I can only say I do not even know to what he refers. I cannot speak positively upon the matter, for by whom Mr. Parnell might have been visited I do not know; but my impression is that there was no other visitor whatever of such a kind as that alleged by the noble Marquess, and most certainly there was no visit on the part of the Government.

THE MARQUESS OF WATERFORD: Would there not be a record of the visits which took place in the gaol books?

LORD CARLINGFORD: I have never heard the story before. I am not, however, surprised at the speech of my noble Friend, because we have heard of so many similar speeches made elsewhere. My noble Friend's first Notice, which was given before Whitsuntide, I heard many people describe as a bad joke; and I must say that his speech to-night gave such a description of these transactions, and drew such a picture of them, that I can only describe it as a travestie or caricature of the facts. As regards the release of the "suspects," it is hardly necessary for me to remind your Lordships of the situation of these Gentlemen at the time they were confined in Kilmainham, and of the rights and duties of the Government in respect to them. One would have supposed, to hear the noble Marquess, that these Gentlemen were prisoners under sentence, and that the Government had weakly and indulgently released them, and set them free from the remainder of their sentences. I need hardly say that the position was a totally different one to that. These persons were put in prison under a most exceptional law, entirely and absolutely as a matter of precaution, because we believed their conduct was dangerous to the tranquillity of the country. It was necessary, at the time of their arrest, that that conduct should be put an end to. But if the Government, at any time, had reason to believe that that danger to the public tranquillity no longer existed from these persons being at large, it was evidently their bounden duty to consider such circumstances, and to consider whether they were entitled — even legally entitled under the terms of the Act—to keep these persons in confinement. And if they had reason to believe that these persons had the intention, and were ready to announce that intention, to refrain from dangerous agitation in the future, that obligation upon Her Majesty's Government was, of course, greatly increased. The question then arose in that way — namely, whether the time had come or not when these Gentlemen should be released. I should like to know how long the noble Marquess opposite intended to keep Mr. Parnell and his friends in prison? Well, the question arose whether the time had come when it was still necessary or unnecessary to keep them under arrest; and the matter was treated, not as a matter of negotiation, but as an administrative question, and as a most serious administrative question, in the exercise of their exceptional powers by the Government under the Act of last year. That question has been dealt with by the Government upon the best knowledge they could obtain, under all the circumstances of the case, in view of the whole situation, and with a single eye to the public interests and to the restoration of tranquillity in Ireland. We have heard a good deal about "negotiations," "treaty," and so on; but I do not accept any of those terms, and for one simple reason—that after all this took place, the Government were absolutely free to deal with every Irish question as they thought best. We were under no engagements whatever which bound or hampered our conduct; but I can very well imagine that these proceedings might have taken a form which might have been called by the name "negotiations," and which yet would have been totally harmless. I can imagine, for instance, Mr. Parnell asking what declaration on his part would have been held sufficient, and that would have amounted to something which might be called negotiation; indeed, I do not understand how any step could have been taken for the purpose of obtaining a pledge from these Gentlemen, which was the view taken by my right hon. Friend (Mr. W. E. Forster), in opposition to his Colleagues, without something which might in some sense be called a negotiation taking place. But it so happens that that was not the course the Government chose to adopt; and, at the eleventh hour, they found themselves bound to differ from the right hon. Gentleman the late Chief Secretary for Ireland, and they did not adopt that process. An intimation was first made by Mr. Parnell through a friend, and afterwards a letter was written by him, which he himself read in the House of Commons. The fact was that the communications from Kilmainham came absolutely uninvited—proffered voluntarily to the Government, and, therefore, suddenly, as my noble Friend has termed it. I have a right to ask whether the Government were to pay no attention to such declarations on the part of these detained persons? The Government believed that they were bound to pay attention to these communications so volunteered, and that they were bound to make inquiry in order to ascertain whether the reports which reached them as to what Mr. Parnell said were accurate, as they were at first not under the hand of Mr. Parnell; and the whole of their action in the matter was directed to the point of ascertaining the authenticity of these documents and of knowing what Mr. Parnell intended. They took those declarations as being what they were—namely, those of a Gentleman—and they were regarded by the Government in view of the whole situation of affairs in Ireland at that time. There was much then, as there is now, in the state of Ireland to cause anxiety; but the Government saw how different the state of the country was from the condition of things last September, when Mr. Parnell and his friends were arrested. We were convinced, speaking broadly, that the "no rent" policy of the Land League had broken down; and we were also convinced that among the Irish tenantry—probably the bulk, certainly the best of them—there was a desire for quiet and tranquillity; a desire to return to a state of law and order, and to devote themselves to their industry under the greatly improved tenure which Parliament had conferred upon them. The Government also had regard to the communications in connection with the Bill, and the debate upon the Bill introduced into the House of Commons by Mr. Redmond and Mr. Healy, and upon the back of which was the name of Mr. Parnell himself—we saw, in that Bill and in the debate upon it, a willingness on the part of the Land League to make the best of the settlement of the Land Question upon which Parliament had decided, and to withdraw from the violent attitude exhibited by them last autumn. We took the declarations which were proffered from Kilmainham in connection with all these facts, and we made up our minds that the time had come when it was safer to put an end to the detention of these Gentlemen than to keep them in prison any longer. That is about the whole history of the matter. But my noble Friend says, "You now give the Land League this Bill dealing with arrears;" and he seems to think that there is something disgraceful in the fact that the Government should have brought in an Arrears Bill, with regard to which they agree with Mr. Parnell and the Land League. Now, Mr. Parnell is, no doubt, very anxious that this critical question of arrears should be effectually settled; but we did not require any negotiation, if the noble Marquess insists upon the word, or any communications from Kilmainham, in order to ascertain that fact. We knew it from the introduction of the Bill, on the back of which was the name of Mr. Parnell, and which gave rise to the debate in which the Prime Minister gave his public adhesion to the propriety of a settlement of the arrears question. That, it should be noted, is the only promise of any kind, either public or private, that has been given by the Prime Minister. But Mr. Parnell did not invent the question of arrears. It has been felt by us for months past to be a most serious question, and one which must inevitably be dealt with by the Government. Parliament made an attempt to deal with it last year, in the Land Act; but, unfortunately, the attempt has proved to be a failure; and the very fact of that failure increases the obligation of the Government to endeavour to provide a remedy. Surely the noble Marquess will not condemn the decision of the Government to deal with the question of arrears, simply because on that point they are in agreement with Mr. Parnell and the Land League.

THE MARQUESS OF WATERFORD: I never mentioned arrears at all in my speech.

LORD CARLINGFORD: I beg pardon. I was under the impression that my noble Friend had done so in connection with this question. If he has not, he is certainly the only person who has attacked the Government on this matter without dragging in the Arrears Bill. But the agreement of Mr. Parnell in that measure is not a condemnation of it, and ought not be one; for I should like to remind the noble Marquess that there is another question of far more permanent interest—namely, the question of the purchase of the property of the landlords by their tenants, in which Mr. Parnell was also very much interested, and upon which the noble Marquess and his Friends appeared to me to be pretty much at one with Mr. Parnell himself. They have made a proposal which would, if carried out, abolish landlordism in Ireland to a great extent, and they, like ourselves, have not been deterred in this matter by the fact that they are in agreement with the Land League on that point. Whether the Government will be able to follow them closely in that direction, whether the Government will be able to proceed on that road as far as Mr. Parnell and noble Lords opposite, is a question which remains to be solved. The Government, upon that and all other matters relating to Ireland, are absolutely free to follow the course which their duty may require them to take. The noble Marquess has made great use of that particular sentence in Mr. Parnell's letter in which a hope is held out of his acting at some future time in concert with the Liberal Party, and also of certain expressions which passed between Mr. O'Shea and Mr. Forster, and which, I understand, were Mr. O'Shea's words and not Mr. Parnell's. The noble Marquess has singled out that expression about the Liberal Party as being the most important sentence in the whole letter. We, on the contrary, think it the least important. [*Laughter.*] I confess I am not surprised at the opinion expressed by my noble Friend, for he has the highest authority for that opinion—namely, another noble Marquess opposite, who pounced upon this particular sentence in Essex the other day, and said, "That is the whole explanation of the conduct of the Government," and who did not take the slightest notice of anything which the Government had said when giving an account of their own motives and actions. But, whatever my noble Friend may think, I can tell him that that passage in the letter, and those expressions in the conversation between Mr. O'Shea and Mr. Forster, instead of explaining the motives which led the Government to their decision, were, in the opinion of the Government, obstacles in their way. They knew very well the use that would be made of such expressions as those. [*Laughter.*] I do not quite see the cause of that laughter; but, certainly, our expectations have not been disappointed in this respect. I say, however, that those expressions and the contents of that letter, good and bad together, were volunteered to the Government. The Government did not ask for them. They had no control either over their phraseology or their contents. The Government had simply to take them as they stood, and to make up their minds upon the course to be followed; and they did make up their minds. They knew very well the additional difficulty that would be caused by these particular expressions; but they would have been weak indeed if they had been deterred from taking the course which appeared to them to be the best in the public interest, and in the interest of Ireland, by the thought of the embarrassment and Party attacks that might be brought upon them. They made up their minds that in those expressions there was nothing which really changed the circumstances of the case—nothing to change the conclusion at which they were prepared to arrive. In spite of, then, and not on account of these expressions, they made up their minds that the time had come when it was better for Ireland that Mr. Parnell and his Friends should be released from prison, than that they should remain there. Nothing, I am bound to say, has happened since to cause the Government to change their opinion. Something has been said by my noble Friend the late Lord Lieutenant (Earl Cowper) of a connection between the dreadful tragedy in the Phœnix Park and the conduct of the Government in releasing the "suspects." No such connection can rightly be traced. All probability goes to show that that dreadful deed had been planned some time before, and it had been resolved that a blow should be struck by the conspirators at the Heads of the Executive in Ireland. If there were any connection between the action of the Government and the tragedy in Phœnix Park, it would be this—that the most dangerous men in Ireland feared the good effects of the policy of the Government to such an extent that they were ready, by that fearful atrocity, to endeavour to destroy them. The Government are confident that no harm has been done in Ireland by the release of these Gentlemen. On the contrary, they believe that both the measures of repression and the measures of reform intended for Ireland have a better prospect of success than they would have had if we had continued to detain the "suspects." But the Government do not depend upon the action of Mr. Parnell or the Land League for the restoration of peace in Ireland. They welcome any assistance from any quarter for that great object; but they rely upon their own determination and that of the Lord Lieutenant to restore peace to that country. They rely for that object upon the authority of the law and all the means within their power, including those contained in the Bill now passing through Parliament. At the same time, the Government hope that the settlement of the question of arrears, by a Bill which I trust will be very soon before your Lordships, will tend very effectually to quiet the minds of the masses of the Irish peasantry and to help the prospects of the restoration of law and order in Ireland. Of course, I need hardly tell my noble Friend and your Lordships that we have no documents to produce. The idea of documents—as if this were a treaty between two Powers—is, of course, nothing but a joke. But my noble Friend will lose nothing by not obtaining the documentary evidence he wishes for, for this simple reason, that there is no mystery, there are no engagements which can be disclosed, no secret motives which actuated our conduct. As to that conduct, and those motives as we have described them, and as we assert them to be, we confidently leave both the one and the other to the judgment of the country.

THE EARL OF DUNRAVEN said, that the Lord Privy Seal concluded his speech by saying that he had no documents to give to the House, and he objected to the use of the word "documents" as utterly inapplicable to the case. Now, not very long ago, the Prime Minister, in reply to a Question put to him in the other House—a Question similar in nature to the Motion now before the House—said he did not see any reason why the documentary evidence as to the release of the Members of Parliament should then be produced. The Prime Minister considered the term "document" to be applicable to the case. As the Prime Minister did not consider there was any reason for producing it at that moment, the natural inference was that there was documentary evidence to be produced at some future time. The Lord Privy Seal, however, said everything that could be known was known, and that nothing more could be laid before the country. But it was possible there might be letters, evidence, correspondence, and conversations, which the Lord Privy Seal himself was not aware of. He said he could give no information about a matter which the noble Marquess (the Marquess of Waterford) referred to—namely, that some persons had been admitted to Kilmainham Gaol without their names being recorded in the books, because he knew nothing about the circumstance. He hoped the Lord Privy Seal would inform himself on the subject, and that the House would be put in possession of any information which could be given. He hoped, too, the Members of the Government would inform themselves whether there was any further documentary evidence of any kind that could be laid before Parliament. To judge by the speech of the Lord Privy Seal, it would be supposed that the noble Marquess made a speech objecting to the release of the prisoners. He (the Earl of Dunraven) did not know whether the noble Marquess did so object; but the speech of his noble Friend was not directed to the fact of their release, but to the method in which it had been conducted—to certain negotiations which had preceded it. He objected that the release was made apparently conditional upon a certain line of action being adopted by the "suspects;" and that they, in their turn, made that line of action conditional upon the adoption of a certain programme by Her Majesty's Government. He did not know how that was to be described except as a bargain. In the ordinary affairs of life it would be considered a bargain by men of honour, though not signed and sealed and delivered as a legal document. Mr. Parnell appeared to have entered into the provisional engagements. He declared in his letter that, if a certain programme was adopted, he and his Party would be able to throw their weight on the side of law and order; and he confidently believed that Her Majesty's Government, by the end of the Session, would be able to dispense with any coercion in Ireland; and, he added, he would be able to support the Liberal Government. These were the two advantages which the Government might hope to gain from the arrangement with Mr. Parnell, and the advantage which he was to get was the adoption of a certain programme. Mr. Chamberlain also put the matter very clearly. He wrote a letter to Mr. O'Shea, in which he said that, if Her Majesty's Government were to be bound to show great consideration for Irish opinion, the leaders of Irish opinion must show greater consideration for English and Scotch opinion. "Bound," was the word used by Mr. Chamberlain, and he could not have used a stronger term. If that meant anything, it partook of the nature of a bargain between two parties. It came to this—"If we are to take your opinion into consideration, you must take ours." That might be an excellent mode of conducting business, but it did not appear quite suitable to the dignity of the Government of a great country. If the Government considered that a certain line of action would be beneficial to Ireland and the United Kingdom, they should adopt that policy without making conditions as to the value to be received for it from Mr. Parnell or anyone else. He would like to know whether it was likely that Mr. Parnell and his Friends would consider themselves bound to carry out their part of the bargain, or whether the introduction of the Coercion Bill might be held to relieve them from their obligations? The Prime Minister said that the Coercion Bill was not brought in in consequence of the terrible murders in the Phœnix Park, that it had been determined upon before; but that the Government thought it better to allow a very few weeks after the release of the prisoners to elapse before introducing the Bill. The difference between Mr. Forster and the Prime Minister was very small then, because Mr. Forster was prepared to allow that the "suspects" should be released if the Government were armed with further powers, and Mr. Gladstone was prepared with a Coercion Bill to be introduced "a very few weeks" after the release of the prisoners. It was very strange that such a slight difference should have led to the resignation of Mr. Forster. Now, he would like to know whether Mr. Parnell was aware that one of the strongest Coercion Bills ever introduced was to be brought in within two or three weeks of the release of the prisoners; and, if he were not, whether it was not possible, and even likely, that Mr. Parnell might consider he had not been fairly dealt with, and that he was not bound to show himself on the side of law and order, and to consider English and Scotch opinion? There was a passage in Mr. Chamberlain's letter which suggested terrible consequences that might ensue if Mr. Parnell did not consider English and Scotch opinion. Mr. Chamberlain commented on the fact that the leaders of Irish opinion did not sufficiently consider Scotch and English opinion, and on the disastrous effects of such a course, and said that in consequence nothing could be easier than to stir up an anti-Irish agitation in England almost as severe as the anti-Jewish agitation in Russia. It was positively frightful to contemplate anything like such an agitation being got up because Mr. Parnell did not sufficiently consider Scotch and English opinion. He did not agree with Mr. Chamberlain on that matter. It appeared to him that the attitude of the English people had been magnificent, superb; that they had maintained an amount of self-control which set a good example to the rest of the world. He did not believe that an anti-Irish agitation could rise spontaneously. Mr. Chamberlain, however, said that nothing would be easier than to get it up. He did not know whether Mr. Chamberlain was an authority upon the matter, or whether he knew much about the machinery and organization by which such things were got up. He should like to know whether the Members of the Government in that House shared the opinion of their Colleague, and, if they did, whether they had taken, or were about to take, special measures against any such agitation? Being an Irishman, he felt strongly on the subject. After the murders in Phœnix Park, Mr. Parnell, Mr. Davitt, and Mr. Dillon issued a manifesto, in which they denounced and commented upon the cowardly murder of "inoffensive and friendly strangers" in Ireland. But, so far as his knowlege went, these Gentlemen had not denounced in that manner any of the murders that had taken place before. And he would like to know whether any of their Lordships, who had interests in Ireland, when they went over to that country, were to be regarded as coming under the category of "inoffensive strangers" or not? If anyone who was possessed of property in Ireland, or who was partly Irish, was to be persecuted in Ireland because he was not a stranger, and was to be subject to this frightful agitation in England because he was an Irishman, his position would not be enviable. He would suggest that, under the circumstances, some asylum should be arranged where those who might consider themselves as part Irish, part Englishmen, might take refuge and regard themselves in some measure safe. The whole transaction surrounding the release of the "suspects" was so mixed up with much that was doubtful and extraordinary, that he sincerely hoped the Government would, if they had any further information, or if they could discover any, lay it at once before Parliament. He also hoped they would give their opinion whether, under the circumstances, Mr. Parnell and his Party were going to consider English and Scotch opinion; whether, if they did not, the consequences suggested by Mr. Chamberlain — an anti-Irish agitation in England like the Russian agitation against the Jews—was likely to occur; and, if so, he should like to know what measures Her Majesty's Government intended to take to meet such a contingency?

LORD ABERDARE said, he fully concurred with the noble Marquess opposite that a bargain such as he had described would enormously increase the difficulties of government in Ireland, and the course taken by the Opposition in this matter tended to increase that very danger; but when Her Majesty's Government, in the strongest and clearest terms, and in accordance with the most natural construction that could be placed upon the whole matter, repudiated any such compact, he could not understand how the Opposition could persist in their tactics. What good result was to be obtained by regarding the affair, in spite of these declarations, as a dangerous and iniquitous compact? In his time he had worked with most of the Ministers who formed Her Majesty's Government, and he knew them to be utterly incapable of stating what was not the fact; and when, with the full responsibility of their position and character, they denied that any such negotiation had taken place, it was not unreasonable to expect that they should be believed. What had, in fact, occurred? A Bill was introduced by certain Members of the Land League into the House of Commons, proposing to amend the Land Act, although up to that moment they were opposed to the measure altogether. They had hitherto done their best to frustrate the advantages to be derived from the Land Act, and to prevent the people having recourse to its provisions. They had sought to widen the gulf of separation between England and Ireland by every possible means. For the first time they now showed a desire to co-operate with the Government, and they came forward with certain propositions for the amendment of that Act. One of the most important questions with which they proposed to deal was that of arrears. Long before the introduction of that Bill this subject had undoubtedly occupied the popular mind, and all agreed that it was absolutely necessary to deal with it. The Prime Minister, on hearing the speeches of the introducers of the Bill, at once stated that the Government would be prepared to consider the question. A communication then reached them from Mr. Parnell, who felt convinced that no course would more effectually contribute to the pacification of Ireland. That was precisely the feeling in his own mind at the time—that there was no longer any reason for keeping Mr. Parnell in prison, and that nothing would so conduce to the future prosperity of Ireland as legislation on the question of arrears, with the imprisoned Members in their places. The attempt that had been made to put a sinister construction on these circumstances had clearly failed, and he regretted only that in making the attempt the Opposition had assumed a dangerous and unpatriotic attitude.

LORD DUNSANY said, he considered that all Mr. Gladstone's Irish measures had been failures. They were all introduced with admirable speeches, and with sophistry that had no equal; but he thought no one would be so extremely ironical and sarcastic as to congratulate the Prime Minister on the success of his Irish legislation. The right hon. Gentleman's policy, which seemed to consist of alternative coercion and conciliation, was not likely to give the Irish people confidence in the justice of the Government. There were many Irishmen living under such terror that they dare not pay their rents and do other things they were entitled to do. Was it likely that the terror which the Land League had managed to inspire would be lessened by the fact that these dangerous individuals were at large? As to there being cheerful accounts from Ireland, he did not receive them, and one of the last incidents he had read of was a nocturnal visit paid by 100 "Moonlighters." That did not look like the arrival of a millennium; and he could not help thinking that nothing would have been lost, and much might have been gained, if the dangerous individuals had been detained a little longer, and if the most objectionable of the "suspects" had not been selected for early release. But why such men should have been selected as the recipients of the clemency of the Government surpassed his comprehension, although it was in accordance with Mr. Gladstone's commendation of Mr. Dillon, just after that Gentleman had shocked public feeling by his speech upon maiming cattle.

THE MARQUESS OF SALISBURY: My Lords, the noble Marquess behind me (the Marquess of Waterford) may not have succeeded in eliciting from the Government any of the documentary evidence to which the Prime Minister alluded, but he has, at all events, succeeded in producing a very interesting debate; and among the speeches which we have heard, none has been more interesting than the vigorous denunciation of the policy of the Government which was delivered by the late Viceroy. Though the noble Lord has very fairly and rightly limited his own responsibility, nobody can mix him up with the transactions which have recently taken place; and the very fact that they came upon him with such suddenness, and were such a surprise, shows what a sharp turn in the policy of the Government must have taken place at that precise crisis in their history. Whether the cause of that sharp turn was or was not the information which was conveyed by means of messengers and letters from Mr. Parnell to the Government, is a matter about which each one of us must form his own conclusion. In the course of his observations, the noble Lord opposite (Earl Cowper) made one reference to myself which I cannot suffer to pass unnoticed; he condemned the revelation of the opinions of Mr. Burke upon the causes of the present Irish troubles, and he condemned me for having quoted these disclosures when they had appeared. I must say I cannot see that there is any shadow of condemnation to be attached to the conduct of Mr. Staples for giving the opinion of an experienced public servant upon a matter of vital public interest, at a moment when the usefulness of that public servant could in no way be affected by any disclosure made respecting his opinion. Undoubtedly, the public servants of this country are in a peculiar position; they have to serve with successive Governments, with politicians succeeding one another, who have strongly opposed one another. They have to render equally loyal assistance to each in its turn; and, consequently, it is impossible for them to express in public their opinions of the policy under whom they have to serve, because if they did so they would not only compromise their own future official career, but they would make it very difficult for them to go on serving satisfactorily the Chiefs of the various Parties whom they have to assist. But none of these considerations apply in this case. Mr. Burke had passed away from the possibility of either his official career being affected, or any difficulty being interposed in the way of his serving successive political Leaders; and the observations which he made privately to Mr. Staples—because Mr. Staples is distinct as to the effect of what was said to him—must be taken as absolute proof, entirely sweeping away tons of argument from antecedent probability and *à priori* conclusions as to what Mr. Burke was likely to have said. We know from Mr. Staples what Mr. Burke actually said, and ingenious conclusions drawn from his character by others who knew him cannot be accepted as countervailing evidence to that testimony. Mr. Staples, in disclosing what Mr. Burke said, in no degree whatever placed any hindrance in the way of the conduct of the Public Service. Limitation is placed upon the language of our public officials; reticence is imposed upon them merely that the Public Service may not be hindered; but when it can no longer be hindered, the cause for that reticence has entirely disappeared. On the other hand, was there no ground for informing the people of this country, who, after all, have most interest in the matter, what opinion had been formed with reference to the cause of Irish troubles, and the capacity of their Rulers, by the man who, of all others, was most qualified by experience and knowledge to form an impartial opinion on the subject? As to myself, I have nothing to defend, for the statement was publicly made, on unimpeachable authority, by an honourable man, and it became matter of public history. I know not what evidence I should be allowed to appeal to in discussing the sacred character of Mr. Gladstone's Administration if I am not allowed to appeal to that which is already public property. Another noble

Lord opposite (Lord Aberdare) appeared as a witness to character, and delivered his testimony with the greatest energy, and conferred all that advantage upon the case for which he was summoned which witnesses to character usually do. But the noble Lord, in exhorting us to believe and accept implicitly the account which he, no doubt, most sincerely gave of these transactions, omitted to think whether that account was itself consistent with the account which we have received from the Government themselves. As I understand the noble Lord, the fact which suddenly flashed upon the Government, and caused them to reverse their previous policy and to release Mr. Parnell, was the discovery that Mr. Parnell, having been hostile to the Land Act, was now favourable to it. I think that is a very sorry comment on the discretion of the Government in the use of the vast powers placed in their hands. Having been given the power of suspending the liberty of the subject and imprisoning Members of Parliament, if it be really true that they shut up a Member of Parliament for nine months because he was hostile to the policy of an Act of Parliament to which they were particularly attached, nothing that any Member of the Opposition ever suggested has conveyed a deeper censure on the action of the Government. And that was the defence made by the noble Lord. But a very different account of the matter was given by the Lord Privy Seal; and though it was ingenious and plausible, I venture to think it was historically weak. The noble Lord represented it to us that Mr. Parnell was released because the "no rent" policy failed. Well, then, I presume he was imprisoned because the "no rent" policy was threatened. As a matter of fact, the "no rent" circular was never issued until Mr. Parnell was safe within the walls of Kilmainham. The noble Lord tells us the state of things was very different in May from what it had been in the previous October, when Mr. Parnell was shut up. But Mr. Parnell was not imprisoned, as the Lord Privy Seal seemed to think, on a Warrant drawn in October for offences committed in October. Mr. Parnell was in Kilmainham on a Warrant that was drawn, I think, on the 12th of April, and he was released early in May. He was imprisoned on a Warrant charging him with being reasonably suspected of treasonable practices. The Act of Parliament had provided for the possibility of a change of circumstances. It had carefully anticipated the contingency that the causes for which a man had been originally incarcerated might, in course of time, disappear, and the justice of the incarceration might no longer be manifest; it had provided that every six months each case should be wholly reconsidered, and, I believe, a new Warrant had to be issued by the Lord Lieutenant in order to continue the incarceration of Mr. Parnell; so it was not for his conduct in October or upon any conclusions formed then that he was further imprisoned; but it was on account of circumstances which presented themselves with complete and absolute vividness to the minds of the Government in the middle of April, that Mr. Parnell was further detained. And the change of circumstances, if change there was, must have occurred between the middle of April and the first few days of May. If that was the case, is it unreasonable to suggest that the real change of circumstances must have been some undertaking, some profession, some compact, that came from Mr. Parnell, and of which we may or may not have all the articles and undertakings? The noble Lord seemed to treat it as a light matter that they should have come to an understanding with Mr. Parnell. It is difficult to find a phrase which, in the minds of noble Lords opposite, will precisely express the conveyance of ideas between their minds and that of Mr. Parnell; they are sure that there were no negotiations; but, at all events, there was information which was mutually exchanged between the parties. They seem to think this a light thing. Has it occurred to them that it is an absolutely new thing in English history? We have had the Habeas Corpus Act suspended again and again in England and in Ireland; but I have never heard of an instance—and I think I can safely defy the production of one—in which a person arrested under a recent Warrant on reasonable suspicion of treasonable practices was released on having announced that he would do his best to stop certain crimes, complicity with which he was not accused of, and that he would follow the Liberal Leaders. This transaction has been compared with the Lichfield House compact with Mr. O'Connell. That was always thought to be at once a disgraceful and a fruitless transaction; but there is a difference, like light and darkness, between that and the present transaction. Mr. O'Connell was a free and an unaccused man. He bartered Parliamentary support for a promise of legislation and of political patronage, and it was not usually thought the most creditable thing in his career, or in the career of the Government with which he bartered; but there is no comparison in that case with a Government bargaining with a man in prison under their own Warrant, on suspicion of treasonable practices. Much has been said in the present debate about conciliation and the value of conciliatory measures to Ireland. I am very far, indeed, from disputing that view or from wishing to adopt any other tone in dealing with the Irish Question. I am fully aware of the enormous superiority of methods of conciliation over methods of coercion, where methods of conciliation can be successfully applied. But, unfortunately, conciliatory legislation and deterrent legislation differ in another most material particular. Conciliatory legislation is infinitely superior; but it depends for its efficacy on the circumstances under which it is used, and on the manner in which it is applied. Deterrent legislation, if vigorous and strong, at least deters, whatever the value of that process may be. But conciliatory legislation only conciliates where there is a full belief on the part of those with whom you are dealing that you are acting on a principle of justice, and not that you are acting on motives of fear. Where there is a suspicion or a strong belief that your conciliatory measures have been extorted from you by the violence which they are meant to put a stop to, all the value of that conciliation is taken away. Now, the peculiarity of the action of Her Majesty's Government has been throughout that they have so contrived their conciliatory measures that, whatever their own motives in their own minds may have been, they have done their very utmost, by the time and the manner of applying those conciliatory measures, to enforce and strengthen the belief that they had been extorted from them by apprehension, and are used by them as a means of buying off outrage and crime. In no transaction in the course of their government has this fatal mistake been so strongly manifested as in this unlucky Treaty of Kilmainham; and the justification of my noble Friend for desiring to throw the most brilliant and the clearest light on all the details of this transaction, and to bring forth its true character to the light of day, is that, if it is innocent, its real character cannot be too widely known. The belief which Her Majesty's Government have contrived to impress on the Irish peasantry is not a belief which will hamper fair legislation or hinder their policy alone. The measures of the last two years have so deeply impressed on the minds of all—whether they are loyal to England or the reverse, whether they approve the policy of the Government or the reverse—that each successive step of concession has been extorted by a constantly rising demand of agitation and of outrage, that for years and generations the impression will remain. It will be a shadow that will fall not only on the path of this Government, but on the path of many future Governments that will succeed it. It will hinder every effort at conciliation. It will make the necessity of coercion again and again a lamentable incident in English policy; and, therefore, the Treaty of Kilmainham—not only of itself, but as the culminating point, and the typical incident of the system on which the Government have proceeded in their legislation towards Ireland—will long be remembered as the cause of constantly-increasing evils in Ireland, and as threatening with serious danger the connection which is of vital importance to both countries.

EARL GRANVILLE: My Lords, in the few words I shall address to your Lordships, I shall begin by saying that I agree with the noble Marquess (the Marquess of Salisbury) in saying that he is glad the noble Marquess below the Gangway (the Marquess of Waterford) has brought on this discussion. It appears to me that this discussion will be of great use, not only in this House, but with the public, in dispelling many of those insinuations which have been made, I am sorry to say, by men in very high stations—insinuations which have absolutely no foundation in fact. The noble Marquess opposite paid a very great compliment to my noble Friend the late Lord Lieutenant of Ireland, and described his speech, though not with perfect accuracy, as a strong condemnation of Her Majesty's Government.

THE MARQUESS OF SALISBURY: The policy of Her Majesty's Government.

EARL GRANVILLE: Of the policy of Her Majesty's Government. My Lords, the noble Earl's speech was certainly not one entirely in favour of Her Majesty's Government, and it condemned certain things which had been done by them; but, at the same time, it repudiated, in the strongest manner, all the principal charges which have been brought, more particularly by the noble Marquess, against Her Majesty's Government. There was one part of the late Lord Lieutenant's speech which the noble Marquess did not like at all, for he devoted about 10 minutes to an elaborate defence of himself because the noble Earl had expressed his regret at the way in which the noble Marquess had introduced a hearsay story which the noble Earl believed to be entirely without foundation. The noble Marquess defended himself by a reference to the unfortunate death of Mr. Burke. We do not complain that Mr. Burke, having done an unofficial act, mentioned it in conversation to a friend; but we do complain that the noble Marquess, with that impulsive feeling which always makes him think any stick is good enough to beat a dog with—when Her Majesty's Government are concerned—introduced this hearsay story into a speech at a moment which all admit is a critical one, and one of great importance, and that, while the noble Marquess does not make any attempt to turn Her Majesty's Government out of power, he does everything he can to tarnish and damage them, and to weaken them in the important task they have to perform. It is precisely because Mr. Burke is dead and cannot contradict the interpretation which has been put upon the story, that we object to it. It is a singular thing, and I hear it from various quarters, that all persons who knew Mr. Burke well think that the condemnation he is said to have given of Mr. Gladstone is quite contrary to his habit of expression and line of thought. The noble Marquess then complained of my noble Friend behind me coming forward as a witness to character. Well, my Lords, I think character is of some importance. Perhaps more than anybody in this House I have lived in close intimacy with public men during the last 30 or 40 years; and, whatever the noble Marquess's experience may have been, I state most positively that I have not known one who did not think it right to apply the rules of private morality also in public life and who would not be utterly ashamed, either for himself or for his Colleagues, to publicly state things which were contrary to the fact. I regret that my noble Friend (the Earl of Dunraven) should have continued that sort of insinuation, asking us to inform ourselves, and find out. We believe that we know all that passed, and we know what passed among ourselves; and when you talk of "compact" I deny it. The noble Earl asked whether Mr. Parnell was aware that the Prevention of Crime Bill was about to be introduced? I answer him "Certainly not," for the simple reason that Mr. Parnell was not informed by the Government of one single step, right or left, they meant to take. It was not a question of policy or expediency, but one of common sense. We have such difficult problems to solve in Ireland at this moment, that when information was volunteered to us of an important character we were bound to act upon it according to our light. The noble Earl was astonished at the difference of opinion between us and Mr. Forster. The only difference between us and Mr. Forster was, that Mr. Forster indicated the three modes in which he would have consented to the release. I am very glad to remark that both the noble Marquess and the noble Earl did not really question that it was desirable to release the "suspects." The difference between Mr. Forster and ourselves was this—that Mr. Forster wished that the Prevention of Crime Bill should pass, or that we should get a perfectly explicit and public declaration from the "suspects" that would satisfy him. He may have been right or wrong; but it appeared to us that we should by such a course be adopting that very arrangement, that compact with Mr. Parnell, which we succeeded in avoiding. Information was given to us. The noble Earl has spoken of a communication with Mr. Chamberlain as a communication with the Government; but does the noble Earl think it really bears that character? I read Mr. Chamberlain's letter, and I think it is an excellent letter. But does the noble Earl really think that there is a compact between the Government and "suspects" in prison, because, in answer to a letter from a Member of the Liberal Party who has constantly supported Her Majesty's Government, asking for a more sympathetic treatment of the Irish Members, Mr. Chamberlain answered that some responsibility rested upon the Irish Members not to do that which gives offence to the whole of England and Scotland? This is the sort of nonsense which is talked when we ask for evidence about the Government compact with Kilmainham. The noble Marquess has expressed his views about repressive measures and measures of conciliation. He said it was a historical fact that deterrent measures had always succeeded.

THE MARQUESS OF SALISBURY: The expression I probably used was that, when properly administered, they had always deterred.

EARL GRANVILLE: My knowledge of history is not so extensive as that of the noble Marquess, but I am not perfectly certain that his facts in this case are more accurate than some of his information about the Government. I agree with him that measures of conciliation depend upon the mode and time at which they are done. My limited historical recollection brings to mind many measures of conciliation which have lost all their force, all their grace, and all their efficacy in consequence of having been delayed too long. I have only, in conclusion, to say that I am really grateful to the noble Marquess for giving us the opportunity of debating this question.

THE MARQUESS OF WATERFORD said, that he was not aware that there was no Correspondence on the subject, or he should not have gone on with his Motion.

EARL GRANVILLE said, there might be the order for release. The noble Marquess might, no doubt, see that if he wished.

Motion (by leave of the House) *withdrawn.*

ENTAIL (SCOTLAND) BILL.

BILL PRESENTED. FIRST READING.

THE EARL OF ROSEBERY, in presenting a Bill to amend the Law of Entail in Scotland, said: My Lords, I am very sorry to bring the House down from the somewhat spicy personalities of the last discussion to the prosaic level of a discussion upon a Scotch Bill. The nature of the House at this moment does not encourage me to think that any protracted statement such as I should have thought it perhaps necessary to make under other circumstances would be favourably received at the present moment; and, under these circumstances, I shall, with your permission, confine myself to lay before your Lordships, as briefly as possible, the proposals of the Government on this somewhat important subject. I would not even have done this; I would have postponed the Notice which I have on the Paper, had it not been for the fact of the numerously-signed requisition—signed both by Scotch Conservatives as well as by Scotch Liberals—which has been presented, asking Her Majesty's Government to bring in, as quickly as possible, a measure which is loudly demanded by the great mass of public opinion of Scotland, and which will be of great advantage. Of course, the whole fabric of entail in Scotland, which has not yet lasted in a legislative form for two centuries, has been piecemealed and worn away by successive enactments. The last great enactment which dealt with the question in the form of the Act under which we at present exist in Scotland was the Rutherford Act. The Act, while dealing in a stringent manner with entails existing at the passing of the Act, did not in the same way give free trade to persons affected by entail after the passing of the Act. It is with the view of redressing that condition of things that Her Majesty's Government propose to bring in the Bill on the present occasion. They propose, in the first place, to put the heir of an entailed estate made subsequent to the Rutherford Act in the same position as an heir of entail before the passing of that Act. The 3rd clause of the Bill which I propose to lay on the Table provides—"That heirs under new entails may disentail by the same consent as an heir of an old entail"—that is to say, that with the consent of the three next heirs, whoever they may be, the heir of entail in possession will be entitled to disentail his estate. The next provision which is of importance is that under the Entail Act of the year 1875 power was given to force, as it is technically called, the consent of two of the next heirs, but not of the nearest heir—that is to say, by paying them the value of their interest in the succession, and getting rid of their consent. The Bill which I shall submit to your Lordships will go one step further. It will propose to buy out the interest of the nearest heir, as well as of the two others, if necessity is shown, and in that way to get rid of the necessity of obtaining his consent so long as his interest be compensated. The third and leading provision is this—that the tenant of entail will be enabled to sell the estate which he holds under entail, and to convert the same into money or Consols, to be held under the same trust as the entail of land. With regard to this, it will be lawful for an heir who wishes to sell his estates to apply to the Court of Session for permission, and the Court shall order intimation to be made to the heirs of entail affected by this announcement, and such heirs and creditors shall be entitled to appear for the purpose of seeing that their respective interests are protected; but they shall not be entitled to oppose the application. The next step will be that the Court shall procure a report of the value of the estate, and, unless it shall appear that any pecuniary interest is involved injuriously, they shall have power to order it to be sold. Then there are clauses as to the way in which the money shall be paid into the Court of Session, as if it were paid into the Court of Chancery, and the way in which it may be held under the same trusts as the land is held. There are other minor provisions which enable the heir in possession, or a minor with the consent of his curators, as if he were an heir of entail in possession, and of age, to make this application. There will be also provisions for curators to appear on behalf of persons suffering legal incapacity of another kind. And, lastly, there will be clauses enabling the Court to dispense with the consent of an heir who has been absent from this country for a certain time. We know there are estates in Scotland of which the possessor has been absent 30 or 40 years, and it is thought, under these circumstances, there should be some power to administer without his consent. I shall not further detain your Lordships at this hour of the evening, except to ask you to give a first reading to this Bill, because I believe it would be a great boon to the community at large in Scotland, not merely to the class affected, whom it will, indeed, directly benefit, but it will be a great benefit to the owners of the land, and will benefit the occupiers, who will find landlords able to effect improvements on their estates which in their present hampered condition they cannot do; and, in the third place, it will be a boon to the community at large, as promoting that free circulation of land which is desirable in every country. I beg to ask your Lordships to read the Bill a first time.

Bill to amend the law of Entail in Scotland—*Presented* (The Earl of ROSEBERY).

THE MARQUESS OF SALISBURY did not wish to criticize the measure, but to make a suggestion. When a Bill such as that presented by the noble Earl contained matters of a complicated character, it was ordinarily accompanied by a memorandum explaining its practical effect, which was drawn up, of course, by a legal gentleman. The difficulty, of course, in this case was that the law was not very clearly understood by a large number of Members of the House, and being a Scotch law it was still less understood. If ever there was a case where a memorandum would be advisable, this was one, although the impression was that the Bill was an innocent one.

THE LORD CHANCELLOR said, that though there was some speciality in the Scotch law on which it might be well to receive proper information, the more important part of the Bill, which related to the power of sale, was really in substance what was proposed, as to settled estates in England, to be given by his noble and learned Friend (Earl Cairns) in the Bill now before the House of Commons.

THE EARL OF ROSEBERY said, he knew the noble Marquess (the Marquess of Salisbury) had a fancy for memoranda, and on this occasion he would provide him with one.

Bill read 1ª; and to be *printed.* (No. 115.)

PARLIAMENTARY OATHS ACT (1866) AMENDMENT BILL [H.L.]

A Bill to amend the Parliamentary Oaths Act, 1866—Was *presented* by The Duke of ARGYLL; read 1ª. (No. 111.)

House adjourned at half past Seven o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Monday, 5th June, 1882.

MINUTES.] — Private Bills (*by Order*) — *Considered as amended*—Forth Bridge Railway *; Ramsgate and Margate Tramways *.

Public Bills—*Ordered—First Reading*—Criminal Lunatics * [192].

Second Reading — County Courts (Advocates' Costs) [188].

Committee—Prevention of Crime (Ireland) [157] —R.P. [*Fourth Night*]; Public Schools (Scotland) Teachers [153] — R.P.; Partnerships (*re-comm.*) [179]—R.P.

Report—Local Government Provisional Order (Artizans' and Labourers' Dwellings) * [162]; Local Government Provisional Orders (No. 3) * [152]; Local Government (Ireland) Provisional Orders (Ballymena, &c.) * [155]; Pier and Harbour Provisional Orders (No. 2) * [150].

Considered as amended — Judgments (Inferior Courts) [44].

Third Reading—Artillery Ranges * [183]; Irish Reproductive Loan Fund Act (1874) Amendment * [133], and *passed.*

Withdrawn — Rating of Places of Religious Worship * [32].

PRIVATE BUSINESS.

STANDING ORDERS.

Standing Order 129 amended, in lines 9 and 10, by leaving out the words "the Report of the Examiner on such Bill," and inserting the words "the Examiner shall have given notice of the day on which the Bill will be examined" instead thereof.—(*The Chairman of Ways and Means.*)

QUESTIONS.

ARMY—APPOINTMENTS IN THE ROYAL ENGINEERS.

Mr. STEWART MACLIVER asked the Secretary of State for War, If the report be correct that Colonel Sir Andrew Clarke, R.E. is to be promoted to the rank of Major General over the heads of several senior Colonels of the Royal Engineers, and appointed Inspector General of Fortifications; and, if so, whether such appointment has been hitherto held by one of the actual general officers of the corps; whether Sir A. Clarke has not been absent from corps duties for about twenty-eight years, having been during that period on the seconded and supernumerary lists for civil employment; and, on what grounds the claims to the highest appointment in the Royal Engineers, of such distinguished officers as Major Generals Lennox, V.C., C.B.; Graham, V.C., C.B.; C. G. Gordon, C.B.; Cooke, C.B.; and Wray, C.M.G., are passed over in favour of an officer who has been practically a civilian, and has done so little corps duty during his career; also on what grounds Lieutenant General Gallwey, R.E., has been selected for the appointment of Governor of Bermuda, such appointment having become vacant by the death of a general officer of the Royal Engineers who had held the same for five years; and further, whether it is true that Colonel Ewart, R.E. is to succeed Sir Andrew Clarke as Commandant of the School of Military Engineering at Chatham; if so, whether, under Clause 79 I. of the Royal Warrant for Pay and Promotion, that officer should, on completing five years' service in his present rank of Regimental Colonel on the 21st October next, be placed upon the full-pay list of the Royal Engineers, unless he elects to retire from the Army; and, on what grounds such regulation is not to be followed in Colonel Ewart's case?

Colonel ALEXANDER asked the right hon. Gentleman, Whether it is true that Colonel Sir Andrew Clarke, Royal Engineers, has been appointed Inspector General of Fortifications; if so, whether he will state the date when Sir Andrew Clarke ceased to perform any active Military duty prior to April 1st, 1881, and why he has been selected in preference to many distinguished officers of the Royal Engineers who have continuously performed Military duties in connection with that corps?

Mr. CHILDERS: I will answer together the three Questions of my hon. Friend and that of the hon. and gallant Gentleman the Member for South Ayrshire, as they relate to cognate matters. General Gallwey has been appointed by Lord Kimberley Governor of Bermuda. I recommended him for that office, General Gallwey having been employed in several important duties under and at the War Office, his last appointment being that of Inspector General of Fortifications. Sir Andrew Clarke has been appointed to succeed General Gallwey; but he has not, as the hon. Gentleman imagines, been promoted to the rank of major-general over any senior officer, nor was it ever proposed to promote him, although he will hold that rank locally and temporarily while Inspector General. His successor as commandant at Chatham has not been appointed; and I hope the House will support me in deprecating discussions as to the claims of supposed candidates. As to Sir Andrew Clarke, the Questions of both my hon. Friend and of the gallant Member evidence an entire misapprehension of the office for which he has been selected. If they will refer to *The Army List*, they will see that it is not an appointment in the Military Department under the Commander-in-Chief, but in the Ordnance Department under the Surveyor General. The Inspector General exercises, it is true, certain military functions, but they constitute a small portion of his duties; and Sir Andrew Clarke has been appointed because he is an engineer of great eminence, and has shown the highest qualities as an administrator, and because, as at the present time proposals of great importance are expected from the Royal Commission on Colonial Defences and the Committee on the Defence of Mercantile Harbours, we require to be advised by an officer of the very highest engineering, administrative, and financial capacity. Sir Andrew Clarke was selected by the Duke of Somerset for duties under the Admiralty as Director of Works, analagous to those of Inspector General and Director of Works at the War Office. He held that appointment for nine years, and was promoted in it to the rank of colonel. He was subsequently selected by Lord Salisbury as Public Works Member of the Viceroy's Council in India, under the Act of 1874, and then for five years discharged duties similar to those he will now have. I am sorry that my hon. Friend should have mentioned the names of other officers, and advocated their claims on the grounds of seniority. This is eminently an office in the selection for which seniority should be far less regarded than comparative fitness, and I have no doubt whatever that the selection of Sir Andrew Clarke is a wise one.

LAW AND JUSTICE—THE MAGISTRACY—LICENSING MAGISTRATES AT PETERHEAD.

DR. CAMERON asked the Lord Advocate, Whether it is a fact that, at a meeting of the Licensing Committee for the burgh of Peterhead on the 15th May, there being no quorum present, certain magistrates granted an illegal and invalid certificate of confirmation, purporting to authorise the applicants to sell excisable liquors at their own risk; whether the provost is correctly reported to have encouraged this infraction of the Law by saying, that

> "He did not think there was much fear of them, and if it were him he would take the risk, and give a fellow the drink he wanted;"

and, whether the persons whose certificates were in question have acted on the advice thus tendered?

THE LORD ADVOCATE (Mr. J. B. BALFOUR): I have made inquiry into this matter, and my information is, that at a meeting of the Joint Committee for the confirmation of licences for the burgh of Peterhead, held on the 15th of May, applications were presented for the confirmation of three licences which had been unanimously granted by the magistrates; two of the applicants already held licences for the sale of porter and ale, which expired on that day. There was not a quorum of the Committee, only three members out of a total number of six being present. The following deliverance was pronounced:—

> "The Joint Committee confirmed, so far as they had power (a quorum not being present), the above three certificates, subject to the parties taking the risk of the Court not being complete, and in respect of no one appearing to oppose the confirmation; and further, that the magistrates unanimously granted the certificates at the Licensing Court."

The votes of the members of Committee present would have insured the confirmation of the licences if the whole Committee had attended. I am further informed that the report of the expression attributed to the Provost is substantially correct; but that the Provost, who is an experienced and highly respected magistrate, explains that he used these words in jest, and that they were so understood by the persons present. I am further informed that the applicants have been selling intoxicating liquor since the Confirmation Court was held, and that the Inland Revenue Department have accepted the duty on deposit till a Confirmation Court is held, which will take place as soon as possible.

DR. CAMERON asked under what law these confirmations had been granted?

THE LORD ADVOCATE (Mr. J. B. BALFOUR) replied, that he did not venture to say whether they were legal or not. If anyone desired to test their legality, it was open to him to do so in the ordinary way.

DEBTORS' (SCOTLAND) ACT, 1880—ILLEGAL PAWNING.

DR. CAMERON asked the Lord Advocate, Whether his attention has been called to the deposition sworn to by John Herald, a bankrupt tweed merchant at Dundee, in which, referring to six pawn tickets produced, he stated that they represented goods pawned by him, although, with one exception, they were pawned in the name of another man, and one ticket, dated 1879, should have been dated 1881; whether, under "The Debtors' (Scotland) Act, 1880," it is a crime punishable by imprisonment, with or with hard labour, to "pawn, pledge, or dispose of, otherwise than in the ordinary way of trade," goods obtained on credit and not paid for, unless the bankrupt proves to the satisfaction of the court that he had no intent to defraud; and, whether it is intended to prosecute John Herald under that statute?

THE LORD ADVOCATE (Mr. J. B. BALFOUR), in reply, said, his attention had been directed to this case, and he had made very full and careful inquiry with regard to it. The second part of the Question he had to answer in the affirmative. As regarded the third part, he might say that he did not intend to give instructions for a prosecution, as, after careful consideration of the evidence, it appeared to him to be established that the goods were pawned without intent to defraud.

CRIME (IRELAND)—CASE OF JOHN LYNE.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. John Lyne, of Ardnetrush, Bantry, county Cork, was charged on sworn information with firing three shots from a revolver at Denis Connelly; if Lyne was indicted on a previous occasion for presenting a revolver; whether the revolver was detained by the police for some time; whether it was ultimately returned to him; and, whether the Government consider upon inquiry that Mr. Lyne is a person who is fit to be entrusted with weapons of this kind?

MR. TREVELYAN: Mr. John Lyne has been charged, on sworn information, by Denis Connelly, with firing three shots at him from a revolver. The case stands adjourned until the 12th instant. He was not indicted on any previous occasion for presenting a revolver. No revolver belonging to him has been detained by the police. As the case is about to form the subject of investigation before a Bench of Magistrates, I think it better not to pronounce any opinion on the final Question of the hon. Member.

MR. HEALY inquired whether Mr. Lyne would be prosecuted at the expense of the Crown or at the expense of Denis Connelly?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON): The information will in due course come before the Attorney General for Ireland, who will decide whether upon the facts there is sufficient grounds for his interference.

THE MAGISTRACY (IRELAND)—MR. H. BLAKE, R.M.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Upon whose recommendation Mr. Henry Blake was promoted from being a police officer be a resident magistrate; and, whether there were any unfavourable records against him during his service in the constabulary?

MR. TREVELYAN: Mr. Blake was appointed to a Resident Magistracy by the late Government in January, 1876, and there are no papers in my Office that show on whose recommendation he was appointed; but I have reason to believe that the appointment was made on the recommendation of the Inspector General of Police. I find that during a service of 17 years as a Constabulary officer he received several favourable records and one unfavourable record.

MR. CALLAN: Was Mr. Blake ever returned for trial for taking forcible and unlawful possession of property in Tipperary?

MR. TREVELYAN: The unfavourable record was for a very much lighter offence than that.

MR. HEALY: I should like to know upon what grounds the unfavourable record was made?

MR. TREVELYAN: I think these reports are confidential; but I am perfectly ready to state on my own responsibility that the case was an extremely light one, and one of an almost technical and professional nature, and had not the least reference to his relations with the people of the country.

PUBLIC WORKS (INDIA)—RETURN 259 OF 1859—CONSTRUCTION OF RAILWAYS.

GENERAL SIR GEORGE BALFOUR asked the Secretary of State for India, If he will place before the House, a series of papers in connection with the construction of railways, and in continuation of Return 259 of 1859, so that an accurate record may exist to show the changes in the systems for providing India with railways, and showing the conditions on which the financial and engineering arrangements are based?

THE MARQUESS OF HARTINGTON, in reply, said, that it would not be possible at present to lay on the Table a Return such as that to which his hon. and gallant Friend referred. More distinct information in connection with the Indian Public Works policy had been given in a Paper laid upon the Table of the House of Lords, and he had no objection, if his hon. and gallant Friend moved for it, to lay the same Paper on the Table of that House. He would furnish his hon. and gallant Friend with the form in which he should suggest that he should move for the Return.

ROYAL IRISH CONSTABULARY—CAPTAIN TALBOT.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Government approve of Captain Talbot living so far away as Shankhill from the scene of his duties in Dublin?

MR. TREVELYAN, in reply, said, he understood that Captain Talbot had given up his residence at Shankhill, and that he was living at present in Dublin. He thought that that was a sufficient answer to the Question.

MR. HEALY asked whether it was only since the date of the Phœnix Park tragedy that Captain Talbot had lived in Dublin?

MR. TREVELYAN said, that Captain Talbot spent in Dublin the week in which the murders were committed, and that on the night of the murders he went to Shankhill with the express permission of Mr. Burke. Ever since that, however, Captain Talbot had been living in the Castle, and he had now given up his house at Shankhill.

ENGLAND—EAST COAST—HARBOURS OF REFUGE—FILEY.

SIR HARRY VERNEY asked the President of the Board of Trade, Whether the Government would carry out the recommendation of the Harbours of Refuge Commission of 1859, by establishing a harbour of refuge at Filey, on the coast of Yorkshire?

MR. CHAMBERLAIN: I would, in the first place, direct the attention of the hon. Baronet to the answer which I gave in this House on the 24th of April last to Questions which were asked by the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) and the hon. Member for East Kent (Mr. Pemberton). I then stated that the Government were not prepared to recommend Parliament to embark in any considerable scheme of harbour provision. All I can add, Sir, to the answer above referred to, is that at the present time a Departmental Committee is sitting to consider the best means of employing convict labour, and that I am aware that Filey has been suggested as a place at which such labour might be usefully directed to the formation of a harbour of refuge. But many other places have also been mentioned as suitable for this purpose, and although the question is under consideration, no decision has yet been arrived at.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—W. FITZSIMONS AND T. TUITE.

MR. JUSTIN M'CARTHY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the case of William Fitzsimons, of Culleenmore, and Thomas

Tuite, of Cloonragh, in the county of Longford, who were arrested more than three months ago under the Protection of Person and Property (Ireland) Act, on the charge of intimidating others to prevent them paying their rents; whether they are still in prison; the one in Monaghan, the other in Enniskillen Gaol; whether it is the fact that no body of tenants, and no individual tenant in the whole parish in which these men lived, had refused to pay rent; and, whether, under these circumstances, he will recommend the release of Mr. Fitzsimons and Mr. Tuite?

Mr. TREVELYAN: His Excellency has just had the cases of Messrs. Fitzsimons and Tuite under his consideration, and is happy to find that the state of their district will now admit of their release, which has been ordered accordingly.

PRISONS (IRELAND) — CAPTAIN HILL.

Mr. LEAMY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the fact that Captain Hill, one of the Inspectors of Irish Prisons, a short time ago visited Derry Gaol, while a number of his tenants were undergoing imprisonment there in default of giving bail, and, in the presence of the gaol officials, abused his tenants for not having paid their rents, and denounced them for having taken part in the land agitation; and, if this statement is correct, whether the Irish Government will take any notice of such conduct on the part of Captain Hill?

Mr. TREVELYAN: Mr. Hill, the Inspector of the Prisons Board referred to, informs me that in July, 1881, he saw a few of his tenants in Londonderry Gaol, but that he neither abused nor denounced them in any way whatsoever.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MESSRS. DOLAN AND HANLY.

Mr. O'KELLY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether there are any special reasons for the continued imprisonment of Messrs. Dolan and Hanly, Poor Law Guardians of the Roscommon Union, now that other gentlemen, arrested at the same time and under the same circumstances, have been released?

Mr. TREVELYAN: Messrs. Dolan and Hanly were released on the 31st of May.

ARMY—SENIOR MAJORS.

Sir HENRY FLETCHER asked the Secretary of State for War, Whether he will extend the special and temporary allowance which the two senior majors of infantry battalions receive under Article 185-1 of the Royal Warrant of 25th of June 1881, to those majors of cavalry who were the senior captains of their regiments on 30th of June 1881?

Mr. CHILDERS: The hon. and gallant Baronet was probably not present when I answered this Question, put to me by my hon. and gallant Friend the Member for Leitrim (Colonel O'Beirne) on the 24th of April. My answer gave the reason why this extension could not be made.

ARMY—COMPETITIVE EXAMINATIONS —WEST INDIAN REGIMENTS.

Major MASTER asked the Secretary of State for War, Why at the Civil Service Examination December 1881, were the three West India appointments given to the three unsuccessful candidates for the Line (Nos. 71, 72, 73) rather than to the three highest candidates for West India Regiments, in face of War Office Memorandum (extract dated December 1880), and applicable to November and December Examination 1881, saying

> "There will be 105 Cadetships to be competed for, of which five will be for candidates for West India Regiments?"

Mr. CHILDERS: I have inquired into the subject of the hon. and gallant Gentleman's Question, and I find that the rule has been always observed of offering to the highest unsuccessful candidates on the list West Indian commissions if a sufficient number of West India candidates did not succeed in the competition. The wording of the Memorandum to which he has called my notice, and which is of old date, is a little obscure, and I will have it made clearer in future.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—JOSEPH HUBAN AND OTHERS.

Mr. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Messrs. Huban, John Sweeney, and Thomas Cunningham, of Loughrea, were arrested in June 1881 on the same charge; and, whether, as the state of the district permitted the release of the first-named gentleman, the other two will be released forthwith from prison?

MR. TREVELYAN: I find that in April last, Joseph Huban made an urgent appeal for release for a week on parole on the ground, among others, that a near relative was at the point of death. He offered rigidly to observe whatever conditions might be imposed upon him, and the Lord Lieutenant, after inquiry and consideration, was pleased to order his release. His Excellency fears that he cannot at present order the release of Messrs. Sweeney and Cunningham; but he has not yet arrived at a final decision on their cases, which he has now before him for consideration.

MR. T. P. O'CONNOR said, their release was recommended by the Catholic Bishop of the district.

LICENSING ACTS (IRELAND)—CASE OF MRS. KELLY.

MR. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, What are the circumstances under which Mrs. Kelly, of Athenry, mother of Mr. Patrick C. Kelly, a suspect at present confined in Galway Gaol, was fined two pounds, with marking of her licence; whether the offence charged was of too trivial a character to merit so extreme a step; whether Mrs. Kelly has received notice that the police are to be removed from the barracks of which she is landlady; and, whether, in view of the loss Mrs. Kelly has already undergone, he will order the mitigation of so severe a sentence for a slight offence against the Licensing Laws?

MR. TREVELYAN: I learn from the local constabulary that Mrs. Kelly's public-house has been kept in a very irregular manner. In April, 1879, she was summoned for a breach of the Licensing Laws; but, as she pleaded ignorance, the Bench, acting leniently, dismissed the case against her, although at the same time fining three persons found on her premises during prohibited hours. She was again summoned in October of the same year, and fined £1, and again in October, 1880; but the case was then dismissed. In February last she was summoned for having her licensed premises open during closing hours; the case was proved, and she was fined £1. She was also summoned for sale of intoxicating liquors during prohibited hours, and was fined £1 and her licence was marked. I am informed that this was a light sentence, and that the penalty in these cases for a first offence might have been £10. With regard to the removal of the police from the barrack, of which she is owner, the facts are these. Owing to the disturbed state of the Athenry district, it has been found necessary to increase the police force. The old barrack is no longer large enough to contain the men. A new house, much larger and in every way better suited for a barrack, has been obtained, and the usual three months' notice of surrender has been served on Mrs. Kelly. If she wishes to memorialize the Lord Lieutenant he will, I have no doubt, consider whether there is anything in her case calling for a mitigation of the penalty inflicted on her in petty sessions.

MR. T. P. O'CONNOR asked whether the right hon. Gentleman was aware that the persons found on her premises were there only for a few minutes.

[No answer was given.]

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—EDWARD BARRETT.

MR. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Edward Barrett, of Craughwell, county Galway, has been imprisoned as a suspect in Galway Gaol for nearly twelve months; whether other suspects from the same district have been released; and, whether the improved condition of the locality justifies the immediate release of a suspect who has already suffered so lengthened an imprisonment?

MR. TREVELYAN: His Excellency the Lord Lieutenant has reconsidered Mr. Barrett's case, but finds that he cannot at present order his release.

INLAND REVENUE DEPARTMENT—PAY OF SURVEYING OFFICERS.

LORD GEORGE HAMILTON asked the Secretary to the Treasury, If he has had time to consider the application of the Inland Revenue surveying officers for an increase of pay and leave of absence?

Mr. COURTNEY: Yes, Sir; the application has been considered, and an answer has been sent to the Board of Inland Revenue.

Lord GEORGE HAMILTON: In the affirmative?

Mr. COURTNEY: I think, Sir, it is better that these officers should receive the answer from their own official superiors.

CUSTOMS DEPARTMENT—SALARIES.

Baron HENRY DE WORMS asked the Secretary to the Treasury, Why the Treasury Minute of the 27th of April 1882, granting increases of salary to out-door officers, watermen, and boatmen of Her Majesty's Customs, is not made to apply to the watermen of the Port of London; and, whether these watermen will be granted increases of their salaries on the conditions laid down in the Minute referred to?

Mr. COURTNEY: There is no such Treasury Minute of April 27, 1882; but my hon. Friend probably refers to a Minute of January 28 last, under which the salaries of the out-door officers, and watermen, and boatmen throughout the United Kingdom are made uniform. This uniformity was obtained by raising the maximum salaries at the out-ports to the London scale for out-door officers, and for watermen and boatmen. There is, therefore, no intention of raising the salaries of the London staff.

EGYPT (POLITICAL AFFAIRS).

Mr. BOURKE: I beg to ask the Under Secretary of State for Foreign Affairs, Whether Papers down to a recent date upon Egyptian Affairs will soon be presented to Parliament? At the same time I should like to ask the hon. Baronet a Question of which I have given him private Notice with respect to a document—called in the House an Ultimatum—which was presented on May 25, by the Diplomatic Agents of England and France at Cairo, to the Turkish Council of Ministers, and in which three propositions were made. The first was for the temporary removal from Egypt of Arabi Pasha, allowing him to retain his rank and pay; the second, the sending of Ali Fehmy and Abdulla Pashas into the interior of Egypt, equally with the retention of their rank and pay; and the third, the resignation of the present Ministry. Authorized by their respective Governments, the Consular Agents recommended these propositions to the serious consideration of the Council of Ministers and their Colleagues, and intimated that, in certain eventualities, they were authorized to exact the fulfilment of these conditions. I wish to ask whether these conditions have been fulfilled; and, if not, whether their fulfilment will be exacted? At the same time, it may be convenient that I should ask whether the Sultan has rejected the idea of a Conference; whether, if the Sultan has rejected the idea of a Conference, the Note is abandoned; whether the Conference can take place at Constantinople without his invitation; whether it is the intention of Her Majesty's Government to support the present Khedive; whether the Sultan has ordered the preparation of the earthworks at Alexandria to be stopped; whether, in the event of Arabi Pasha refusing to stop the preparation of the earthworks, the Sultan has asked the English Government to stop their preparation by force; and, if so, what answer has been returned; whether the British residents at Alexandria have applied to the British Consulate for protection, and what answer has been given; and, whether any number of British residents have left Alexandria for their safety? If the hon. Baronet is not prepared to answer these Questions to-day, I will repeat them to-morrow.

Sir CHARLES W. DILKE: In answer to the Question on the Paper, I have to state that Her Majesty's Government have been in communication with the French Government as to the publication of the further Papers which we desire to lay on the Table with as little delay as possible, and have received from the French Government an answer which is favourable, but not final. Generally speaking, they express no objection to the publication of the Papers; but they make certain reservations, and we shall have to discuss with them those reservations which they make.

Mr. BOURKE: When can that be done?

SIR CHARLES W. DILKE: It will take some days before we are quite certain. Upon that subject, I say, the answer is favourable; because I think it will be possible to come to an agreement.

MR. BOURKE: Up to what date would the Papers go?

SIR CHARLES W. DILKE: Up to the present time. If they are laid at all upon the Table, it will be up to the present time. With regard to the other Questions, the right hon. Gentleman draws a distinction between the earlier and the later Questions. He says he gave me Notice of the earlier Questions; but it was Notice of a kind hardly entitled to be called Notice at all. He did tell me that he would ask me a Question as to the Ultimatum; but he did not say what it was. He knows that when he held the Office I now have the honour to occupy, I asked him a good many Questions, and always when it was possible I gave him a week's Notice. It is exceedingly inconvenient, as he knows, to be called on to answer Questions without Notice, and that it is especially difficult when these Questions relate to a subject regarding which we have to weigh every word we say, and the different points of which ought to be the subject beforehand of communication with Foreign Powers. With regard to this Ultimatum, the right hon. Gentleman could have given me Notice beforehand; because there is nothing in the Question which has come to his knowledge recently. The facts were in his possession 10 days ago. He said the word "Ultimatum" was used in this House. It was not used by me, and I protested against its use on behalf of the Government. Without going into further reasons, I may say that if the question were debated, I should describe an Ultimatum as proceeding from one Sovereign to another Sovereign, which was clearly not the case in this instance. With regard to that document, I have said, in general terms, that Her Majesty's Government, as on former occasions, do not intend to go back from the statement they have made respecting their Egyptian policy. The right hon. Gentleman asks whether the Turkish Government has rejected the idea of a Conference? No, Sir; they have not done so; they have not answered us up to the present time. He then asks, if the Conference at Constantinople is refused by Turkey, would it be held elsewhere?

MR. BOURKE: No; that is not my Question. I asked, could it be held at Constantinople without the Sultan's invitation?

SIR CHARLES W. DILKE: That would be a question to be considered. Certainly it could be held elsewhere. He then asks me whether the Sultan has asked the British Government certain Questions as to what would happen if these fortifications at Alexandria were not discontinued? No; the Sultan has not done so. Her Majesty's Government have been in communication with Sir Edward Malet and Admiral Sir Beauchamp Seymour upon the subject of the earthworks at Alexandria, and Her Majesty's Government are quite agreed with them as to the steps to be taken, and they have complete confidence in the power of the Admiral to maintain the safety of the ships under his command. It would be, however, undesirable to make any statement as to the steps to be resolved upon. We have heard to-day that very strong orders have been given by the Sultan immediately to discontinue the building of these forts. Arabi Pasha, it is announced, has been ordered by the Khedive to discontinue arming them, and the Khedive has also ordered all warlike preparations at Alexandria to be discontinued. With regard to the last Question, as to the European residents leaving Alexandria, we have received representations from them. It was in consequence of representations made by them, and made through Sir Beauchamp Seymour and the Consul at Alexandria, some days ago, that the Squadron at Alexandria was considerably strengthened. With regard to their leaving Alexandria, we have heard nothing officially; but privately we have heard that a good many have left.

MR. BOURKE: Where for?

SIR CHARLES W. DILKE: We have not heard, except that they were leaving by the various mail steamers.

SIR STAFFORD NORTHCOTE: Are we to understand from the answer that has just been given that the proposal for the Conference is still before the Porte, and that no answer has been received to the invitation?

SIR CHARLES W. DILKE: Yes, Sir. The official answers from the Great

Powers have only just begun to come in. We have received informal answers from the Great Powers, and some indirect communication from Lord Dufferin on the subject; but nothing direct from the Porte.

PALACE OF WESTMINSTER—THE HOUSE OF COMMONS—THE STRANGERS' GALLERY.

Mr. JOSEPH COWEN asked the First Commissioner of Works, If any extension of the Gallery of the House can be made, so as to afford more accommodation to the large and increasing number of persons that apply for admission?

Mr. SHAW LEFEVRE, in reply, said, he had carefully considered the plans of the House, and found it was totally impossible to increase the accommodation for strangers; and, in fact, if increase were possible, he thought Members of the House would have the first claim.

COPYRIGHT (WORKS OF FINE ART, &c.) BILL.

Sir H. DRUMMOND WOLFF asked the honourable Member for East Worcestershire, Whether, notwithstanding the lateness of the Session, and the declaration recently made by the President of the Board of Trade, he intends proceeding this year with the Copyright (Works of Fine Art, &c.) Bill?

Mr. HASTINGS: This Bill having been read a second time, it is my intention to again ask the House, at the earliest available opportunity, to go into Committee upon it. I trust that the hon. Member for Portsmouth will withdraw his block, to enable me to take the sense of the House, and thus give me the fair opportunity of replying to his observations when he talked out the Bill on the 17th of May last.

Sir H. DRUMMOND WOLFF said, he was unable to comply with the hon. Member's request.

SOUTH AFRICA (THE TRANSVAAL)—ATTACKS BY THE BOERS ON NATIVE TRIBES.

Mr. GORST asked the Under Secretary of State for the Colonies, Whether accurate information has yet been obtained by Her Majesty's Government from their representative in the Transvaal as to the alleged attack of Boers on

Montsiœ in January and February last; whether it is a fact that one of the two cannon used in the attack was supplied by Commandant Jan Vilgoen, of Marico, and the other by Commissioner Hendrick Grieff, of Lichtenburg; whether the Government have ascertained that Joubert visited Marico in the month of March last, and exacted a fine of 3,500 head of cattle from a chief named Gassebi, living beyond the borders of the Transvaal, who had protected the English during the war; whether the beacons set up by Colonel Moysey, R.E. in September 1881, to mark the western boundary of the Transvaal, have been knocked down by Moshetti and the Boers; and, what steps, if any, Her Majesty's Government propose to take in reference to these matters?

Mr. EVELYN ASHLEY answered the first Question of the hon. and learned Member in the affirmative. Captain Nourse had been sent by our Resident in the Transvaal to inquire into the facts in the early part of this year; and the Papers on the subject would be laid on the Table. The attack upon Montsiœ was made by another Chief named Moshetti, and the Boers who helped him were volunteers, really hired by Moshetti to carry on the war. Montsiœ's territory was outside the Transvaal border, so that any direct interference on the part of the Boers would be contrary to the Convention; but it was their duty to preserve the neutrality of the border, and prevent the volunteers from crossing. The Colonial Office knew nothing about the cannon referred to in the second branch of the Question. As to the third Question, the fact was, that in the early part of this year, the Resident in the Transvaal, Mr. Hudson, received information that the Chief Gassebi had invaded the Transvaal border, and made an attack on a smaller Chief, killing three men, and General Joubert was instructed to exact a fine of 4,000 cattle and the surrender of the murderers. The Chief acknowledged he was in the wrong, but pleaded that the fine was excessive. What our Resident said was, that the Boers were breaking the terms of the Convention by taking those steps without, first of all, consulting him. The Resident thereupon communicated with the Chief, and begged him to come up to Pretoria with all the evidence, and pay 1,000 head of cattle in advance by way of fine. The last news the Colonial Office had was, that the Resident was awaiting the answer of Gassebi. As to the fourth Question, the Government knew nothing about it. With regard to the fifth Question, the Government were in communication with the High Commissioner and the British Resident on the matter.

MR. GORST asked whether the Government did not know by whom the two cannon were supplied?

MR. EVELYN ASHLEY said, they did not even know that cannon were used at all.

MR. GORST said, that perhaps the Government would make inquiries whether they were not supplied by a Government officer?

MR. EVELYN ASHLEY said, that in consequence of that Question they had already sent out to their Resident, asking him to state all the facts of the case.

EGYPT (POLITICAL AFFAIRS)—THE BRITISH SQUADRON.

MR. GOURLEY asked the Secretary to the Admiralty, The names, calibre of guns, number of bluejackets, Marines, and non-combatant men on board of each vessel now in the port of and on the way to Alexandria; also draught of water of each vessel; if the whole are of sufficiently light draught to enter Alexandria Harbour or pass through the Suez Canal; and, are they all fitted with torpedoes, if so, of what description?

MR. CAMPBELL-BANNERMAN: My hon. Friend asks me to give a public and detailed statement as to the fighting strength of the ships now at Alexandria. I am sorry that I must decline to do so. The House will agree —and I think my hon. Friend will himself on reflection see—that it would be contrary to the public interest that such a statement should be made at this moment.

MR. GOURLEY: I disagree with the opinion which has just been expressed, and I shall take an early opportunity of calling attention to the subject.

AFRICA (EAST COAST)—SUPPRESSION OF THE SLAVE TRADE.

MR. GOURLEY asked the Secretary to the Admiralty, The number and names of steam and sailing cruisers now engaged in the suppression of the Slave Trade on the East Coast of Africa; if it be correct that the steam cruisers are not only too slow, but also deficient in fuel capacity, and that both steam and sailing vessels are of too heavy a draught for inshore chasing; that there is no Government coaling station between the Cape and Aden, and that the cruisers have to obtain fuel from French Government depôts and private firms at exorbitant prices; and, further, if it be correct that some of the vessels are very often withdrawn from slave cruising operations for the purpose of carrying minor diplomatic despatches?

MR. CAMPBELL-BANNERMAN: Sir, a corvette and a gun-vessel, belonging to the East Indian Squadron, are at present engaged on the East Coast of Africa for the suppression of the Slave Trade. The boats of the *London*, depôt ship at Zanzibar, are also constantly employed cruising where larger vessels cannot act; and at the request of the local naval authorities two schooners have recently been despatched as an additional force for this purpose. It is hoped that the entire force thus constituted will prove sufficient. As regards the supply of coal, there is at Zanzibar a Government coal depôt, with covered storage accommodation for 3,300 tons, and there are several places in those waters at which coal is obtained at prices which are not exorbitant. With regard to the last Question of my hon. Friend, the vessels employed on the East Coast are rarely interfered with, and never when it can possibly be avoided.

MR. GOURLEY: Are these schooners sailing vessels?

MR. CAMPBELL-BANNERMAN: Yes.

CUSTOMS DEPARTMENT — SALARIES OF COLLECTORS.

MR. JACKSON asked the Financial Secretary to the Treasury, Whether any decision has been arrived at with respect to the Memorial, dated November 1880, and signed by 100 collectors of Customs, drawing attention to the anomalous position in which they are placed with respect to the improved scale of salary granted to their subordinates, the examining officers and clerks; which Memorial the late Secretary to the Treasury stated, in answer to a question on the 26th July last, was then under the attentive consideration of the Treasury?

Mr. COURTNEY: The great changes which have been in progress during the past year in the Customs Department have precluded for the present the consideration of the case submitted by the collectors. The matter cannot in any case be urgent, as the position of the collectors was considerably improved so recently as 1873. But the Treasury and the Board of Customs are in correspondence on the matter.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. PARNELL.

Mr. A. J. BALFOUR asked Mr. Attorney General for Ireland, Whether, on the day on which Mr. O'Shea had an interview with Mr. Parnell in Kilmainham, any other visitor was admitted to an interview with Mr. Parnell; if so, whether the name of every such visitor was entered in the prison books according to the ordinary rule; if not, if he would state why not?

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): I have no knowledge or information whatever of any visitor seeing Mr. Parnell in Kilmainham, except that which I have in common with every other Member of the House — namely, what has been stated in the House.

FRANCE—THE BIMETALLIC CONFERENCE AT PARIS.

Mr. A. J. BALFOUR asked the Secretary of State for India, Whether he will lay upon the Table of the House the Report of Sir Louis Malet and Lord Reay relative to the Bimetallic Conference at Paris?

The Marquess of HARTINGTON: These Reports have been laid on the Table of the House, and are now, or very shortly will be, in print.

ARMY (AUXILIARY FORCES)—VOLUNTEER CORPS.

Mr. RANKIN asked the Secretary of State for War, Whether a Volunteer Corps in any district is or is not a part of the territorial regiment of that district; and, if it is, will it be numbered as a battalion of that regiment and be required to assimilate its uniform, and will the Volunteer Officers be liable to be called upon to serve on Regimental Courts Martial?

Mr. CHILDERS: Yes, Sir; an Infantry Volunteer Corps is part of the territorial regiment. But, as to the numbering and uniform of the battalions, I am anxious not to make changes in advance of the general wish of the Volunteers themselves, and I do not propose to do more than we have done until those wishes are generally expressed. When Volunteer Officers are subject to Military Law they are undoubtedly liable to serve on courts martial. But, as a matter of practice, they would probably not be detailed so to serve unless known to possess the necessary knowledge of the law.

ARREARS OF RENT (IRELAND) BILL.

Mr. BIDDELL asked the First Lord of the Treasury, Whether he has obtained reliable Returns of the number of tenants and the amount of their arrears of rent which would come under the cognizance of the Arrears of Rent (Ireland) Bill; and, if so, will he place them before the House; and, if he has not such Returns, will he at once take steps for obtaining them?

Mr. GLADSTONE: We are using the best efforts we can to get as particular information as possible about the number and amount of arrears in Ireland; but I cannot say absolutely that we shall be able to succeed in obtaining it in a very formal manner. We have, of course, no authority over private persons to require them to make any disclosure. We have proceeded on the principle of covering whatever uncertainty there may be by a very large margin. But we shall do the best we can.

Mr. GREGORY asked the First Lord of the Treasury, If he will provide for the remission of tithe rent-charge, quit rent, Income Tax, and any other charge which may be payable to the Government in respect of any holding with regard to which arrears of rent will be cancelled by the operation of the Arrears Bill now before Parliament, and for the period for which those arrears are cancelled?

Mr. GLADSTONE: I know the attention which the hon. Member has given to this question; but he will not expect me to go in detail into it at the present time, because it will come up for discussion in Committee. But as to the item of Income Tax, I may say that it is already settled by the present law.

WAYS AND MEANS—INLAND REVENUE —THE CARRIAGE DUTIES.

Mr. COCHRAN-PATRICK asked Mr. Chancellor of the Exchequer, Whether it is intended to impose the new increase of the Carriage Duty in those counties in Scotland in which the maintenance of highways by assessment will not come into operation till 1833?

The CHANCELLOR of the EXCHEQUER (Mr. Gladstone): There is no intention of asking the House to impose a carriage duty in certain counties, and to exempt certain other counties; nor do I believe it possible to work a law upon that principle. The question in what way the incidence of the duty —if it please the House to vote it— may be adapted to the different cases of the different parts of the country that may or may not have taken over the maintenance of highways by assessment is, of course, a question for consideration when we come to the measure.

PREVENTION OF CRIME (IRELAND) BILL—MEMORIAL OF IRISH JUDGES.

Mr. HEALY asked the First Lord of the Treasury, What answer has been given to the memorial of the Irish Judges protesting against the abolition of trial by jury in Ireland; whether any resignations in the Irish judiciary have been sent in; and, if he can state by whom the two vacant judgeships will be filled?

Mr. GLADSTONE: I cannot find on inquiry that in any Department there was any formal communication of the Memorial of the Irish Judges to the Government. There has been no answer to that Memorial or any correspondence upon it that has come to the knowledge of the Government. It was not forwarded to us in any way. As to resignations in the Irish Judiciary, there is no resignation properly so called; but there has been a removal by the promotion of Mr. Justice Fitzgerald, which creates a vacancy, of course. As to the vacancy in a Judgeship recently caused by death, the regular course is that the Viceroy communicates his view on the subject, when he has made up his mind, to the Prime Minister, in order that the Queen's pleasure may be taken in filling up the vacancy. I have not yet received any communication from the Viceroy on the subject.

Mr. HEALY: Will the right hon. Gentleman assure the House that there is no truth in the statement relative to Mr. Baron Fitzgerald, for it was to that my Question was principally directed?

Mr. GLADSTONE: There is no truth in that statement.

EGYPT (POLITICAL AFFAIRS).

Baron HENRY DE WORMS asked the Prime Minister a Question of which he had given him private Notice. It was, Whether the Prime Minister had seen a telegraphic statement in one of the leading Liberal organs of the day from the correspondent of that newspaper in Cairo, to the effect that there was now no Khedive, no Government, and no Ministry in Cairo, and that everything which the English and French had declared they would not allow had been done there; whether that statement was correct; and, if so, what steps Her Majesty's Government would take to prevent the continuance of such a state of anarchy?

Mr. GLADSTONE: I do not know that there was any occasion for the hon. Member to have given me Notice of the Question, or that my answer could have been improved by Notice. I take that statement to be a sort of summing up— very effective, rather figurative, and, perhaps, a little poetical—of a situation which is undoubtedly grave and formidable, but which can only be treated in reference to a statement of particulars a little more exact than that very general statement. I hope that in a few days satisfactory information will be given on some of those particulars.

PRISONS (ENGLAND) ACT—PRISON WARDERS.

Mr. R. N. FOWLER asked the Secretary of State for the Home Department, Whether his attention has been called to an opinion given by Mr. Justice Lopes at the Central Criminal Court, on May 24, when the learned Judge stated—

> "He could not think that forty convicts should be in charge of only one warder, armed with a short sword, while they (the convicts)

had in their possession such murderous weapons as those presented in court. It was said that the means of communication was a whistle; but it might occur that the warder was rendered insensible. It was worthy of attention whether this system could not be altered, so that a small number of convicts should be together under the charge of one warder, or that the number of warders should be increased;"

and, whether he will consider the propriety of altering the system complained of?

Sir WILLIAM HARCOURT: I have inquired into the matter of which the hon. Member speaks. It appears to have arisen from a want of vigilance on the part of many of the warders. I have directed that in future precautions must be taken to prevent such an occurrence again taking place.

LICENSING ACTS (IRELAND)—CORK RACES.

Sir WILFRID LAWSON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it be true, as reported in the Cork daily papers of the 29th May, that a duly convened meeting of the City Magistrates was held on the previous day, at which it was resolved that, following the precedent of last year, no occasional licences for the sale of intoxicating liquors should be granted for the Cork Races on the 7th June; whether one magistrate has defeated the objects of the proceedings of the meeting by signing the necessary certificates for such licences; the other two magistrates on the Bench at the time, one of whom was not present at the meeting, stating they could not be parties to ignoring the resolution arrived at; if it be true that, on the last occasion when these licences were issued, a serious riot, which endangered the peace of the City, originated in one of the drinking tents; and, whether he will communicate with the Commissioners of Inland Revenue, who are empowered to grant such licences, when they consider that doing so will "conduce to public convenience, comfort, and order," before they act on the certificates?

Mr. TREVELYAN: The facts are quite correctly stated in the Question of the hon. Baronet. The attention of the Government has not been drawn to the matter by the magistrates; and in the absence of any representations on the subject from those who are the responsible authorities for preserving the peace of their City, I do not consider that any action is called for on the part of the Executive Government.

NAVY—EXPLOSION ON BOARD H.M.S. "SWIFTSURE."

Sir JOHN HAY asked the Secretary to the Admiralty, If he could inform the House whether a gun had burst on board Her Majesty's ship *Swiftsure;* whether the accident had been attended by loss of life or limb; and if he would also state the nature of the gun which had burst, where manufactured, and whether any other guns of the same character and manufacture, of larger or smaller calibre, were now embarked on board any other of Her Majesty's ships?

Mr. CAMPBELL-BANNERMAN: I regret to state that it is unhappily true that an accident of the nature mentioned, and attended with fatal results, occurred on board Her Majesty's ship *Swiftsure,* at Madeira. The only information the Admiralty have received is contained in a telegram from the captain, dated the 1st of June, to this effect—

> "Arrived evening 31st. When saluting, breech-piece 25-pounder was broken off, killing Charles James, hurting three others, not seriously. Am inquiring into case."

With regard to the nature of the gun, I think it would be better that my right hon. and gallant Friend should repeat his Question in a few days, as we have at present no reason to suppose that the accident was due to any fault in the gun; and we shall then have received a full Report on the subject.

Lord EUSTACE CECIL: Has the hon. Gentleman any objection to laying the official Report of the accident upon the Table of the House as soon as it is drawn up?

Mr. CAMPBELL-BANNERMAN: When I see the Report I will answer that Question.

Colonel NOLAN wished to know what possible objection there could be to saying what class of gun it was that had burst?

Mr. CAMPBELL-BANNERMAN replied, that the only reason was this—that he had read to the House all the information the Admiralty possessed; and if he were to proceed to state what nature of gun it was, it would throw suspicion upon that particular kind of gun. [Colonel Nolan: Hear, hear!]

Until they had the Report on the accident before them, stating that there was some fault found in the gun, it would be unwise to do this.

COLONEL NOLAN said, he thought it quite right that suspicion should be cast on this particular class of gun. He gave notice that to-morrow he should ask the Secretary of State for War what class of gun had lately been supplied to the Navy? He should also repeat his Question to the Secretary to the Admiralty.

MR. CHILDERS said, he would answer the Question addressed to him at once. Only a few days ago he gave very detailed information as to the guns which had been supplied to the Navy.

PREVENTION OF CRIME (IRELAND) BILL—THE RECENT DIVISION.

MR. MAC IVER: I wish to ask the First Lord of the Treasury, Whether any special significance is to be attached to the absence of eight Members of Her Majesty's Government from the division of last Friday night, on the question whether the words "treason or treason-felony" were or were not to be included in the Prevention of Crime Bill—namely, the President of the Board of Trade, the Vice President of the Council, the Under Secretary of State for Foreign Affairs, the Secretary to the Treasury, and the Secretary of State for War. I do not know that I need enumerate further. [*Cries of* "Go on!"] I do not know that the list is complete.

MR. T. P. O'CONNOR: Before the right hon. Gentleman answers the Question, I should like to ask him whether he attaches any special significance to the fact that the majority in favour of the insertion of these two words, "treason or treason-felony," consisted almost as largely of Conservatives as Liberals?

MR. GLADSTONE: It was my hope that both these questions would have conveyed interesting and detailed information to the House; but I am sorry to find that the statements of fact are rather vague. The hon. Member for Birkenhead has not been able to give us a complete list; and the hon. Gentleman who has last spoken is, I believe, very imperfectly informed indeed, for, if I am not much mistaken, considerably more than a moiety of the majority was composed of Liberals. With respect to the Members of the Government who were not present at the division, I have not attached special significance to the instances, of which, indeed, owing to the failure of the hon. Member in the latter part of his list, I am not yet fully informed. There is no exemption to any Member of Her Majesty's Government from voting in the divisions of the House of Commons in which the Government is concerned; but I should be very sorry if it were a uniform rule to take to task Members who were not present at any division, as I am afraid very severe censure would frequently be bestowed upon me.

MR. MAC IVER: I am informed that the Secretary to the Admiralty was one of the absentees.

MR. CAMPBELL-BANNERMAN: I am afraid the hon. Gentleman has been misinformed, so far as I am concerned.

PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.

MR. MACFARLANE inquired of the Prime Minister, Whether the second reading of the Customs and Inland Revenue Bill would be taken after Progress had been reported on the Prevention of Crime (Ireland) Bill?

MR. GLADSTONE, in reply, said, that it would be taken after Committee on the Prevention of Crime (Ireland) Bill and on the Arrears of Rent (Ireland) Bill.

PARLIAMENT—RULES OF DEBATE—AMENDMENTS—PRECEDENCE IN COMMITTEE.

MR. HEALY asked Mr. Speaker, Whether any particular precedence attached to Members of the Government in placing Amendments on the Notice Paper; and whether if, after a private Member had placed on the Paper Notice of an Amendment in Committee, a Member of the Government put the same Amendment in different words, he was entitled to precedence?

MR. SPEAKER: Supposing two Amendments substantially the same are brought to the Table—one in the hands of the Member in charge of the Bill, and the other in the hands of another Member—precedence is given to the Amendment of the Member who has charge of the Bill.

ground for postponing the trial as the absence of a witness for the prosecution.

MR. HEALY said, the right hon. and learned Gentleman would probably recollect the case of the 60 men referred to at Cork, and the 300 witnesses there. In that instance all that the counsel for the Crown said was that they were not ready to go on with the case. He certainly thought that was not a sufficient answer. If, as a general rule, an affidavit was required in order to obtain the postponement of a trial, he presumed that the Government would have no objection to agree to an Amendment to the effect that no trial should be postponed of any man mentioned in the warrant unless upon a sworn affidavit.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that was the regular practice now. He thought the hon. Member was under a misapprehension in reference to the case at Cork. His recollection was that the postponement was made on affidavit, stating facts which showed that in the interests of justice the trial ought to be postponed.

MR. HEALY asked who made the affidavit?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he was unable to recollect; but what fixed the matter in his mind was, that there was one indictment which included all the cases, and thus one affidavit was made applicable to the whole of the cases. Otherwise it would have required as many affidavits as there were prisoners for trial.

MR. HEALY asked if the right hon. and learned Gentleman would have any objection to put that in the Bill, and provide that where a warrant was issued for the trial of any prisoner there should be no postponement on the mere *ipse dixit* of the Crown Prosecutor?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he did not think that the case the hon. Member wished to guard against could possibly take place. There must be an affidavit, and the Judge must be satisfied that in the interests of justice the trial could not take place.

MR. T. C. THOMPSON said, there was another point of some importance. Was the warrant issued by the Lord Lieutenant to supersede the warrant of general gaol delivery? Suppose that a person was in custody, and the Judge came round on a general gaol delivery, would he not be authorized to try that person, or could the trial be held over for an indefinite period? He should like to have that matter made clear, because any person in custody charged with an offence, at general Common Law, had a right to be tried at a general gaol delivery.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he was able to answer the question the other way. The General Gaol Delivery Commission would not supersede the warrant of the Lord Lieutenant for a Special Commission.

MR. PARNELL asked what rule the Government proposed to adopt in such a case in reference to the payment of witnesses? Would the same rules with regard to the payment of the expenses of witnesses be adopted as those which were adopted in the case of an ordinary Winter Assize?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) replied in the affirmative. He believed that the intention was that the principles of the rules in regard to a Special Commission should be those applicable to the case of a Winter Assize. Where the witnesses were brought out of their own county for the purpose of trial, it would be necessary that the expenses of the witnesses both for the prosecution and the defence should be paid.

MR. PARNELL said, he wished to draw the attention of the Committee to the manner in which the rules had worked in the case of the last Winter Assizes at Cork, and the Committee would then be able to judge what it was they were now asked to sanction. Under this clause the Bill gave power to try persons for certain offences in an exceptional manner. The poor people who might be accused were either innocent, or they were not. Of course, the law presumed that every man was innocent until he was proved guilty. These poor people might be taken out of their own county, and, with their witnesses, compelled to attend in some distant part of Ireland; and what was now asked was that that course should not be taken, but that they should be tried in their own county. He was surprised that the Government did not agree to the very reasonable Amendment which had been proposed. If the right hon. and learned Gentleman the Home Secretary refused to give in upon so very small a matter, he could not see what hope there was for hon. Members who sought to amend the Bill in more important particulars. The course now taken certainly presaged very badly for any material alteration of the Bill, seeing that the Home Secretary refused to give way on so small a point. He wished to call the attention of the Committee to the experience which was gained in reference to the Winter Assizes Act at the last Munster Winter Assizes; and, indeed, at all of the Winter Assizes in Ireland. In doing so, he wished to state his own opinion, that last winter that Act was grossly abused by the Crown Prosecutor. It was used for purposes for which it was never intended. It was originally intended to be a merciful Act—an Act for a general gaol delivery. The Act itself was passed by Sir Colman O'Loghlen—a lawyer of considerable experience, and a most humane man—who brought it in for the purpose of preventing the unnecessary detention of prisoners in gaol for an indefinite period. But the Act had been used by the Crown in Ireland, not for a gaol delivery, but for the purpose of getting rid of bail cases; and particularly for the purpose of bringing about a change of venue. That power they now sought to deprive the Government of in reference to this Bill. What took place at the Munster Assizes? Scores of persons were brought into Cork from all parts of Munster. They were detained in Cork Gaol for weeks and for months, away from their friends; and they were, consequently, deprived of the merciful provisions of the 13th section of the Prisons Act of 1877, which the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross) would very well recollect. Prisoners awaiting trial were to be treated differently from convicted prisoners, and were to be allowed to feed themselves. But one of the consequences of the working of this Winter Assizes Act was that these persons were taken away to a distance from their homes, and from their friends; and, therefore, it became impossible to feed them, and they were compelled to live upon prison fare. And not only that, but all the witnesses who were necessary for the defence were left for weeks in the city of Cork without any support from the Crown. These people—these poor, humble witnesses—were obliged to pay their own fare from different portions of the Province of Munster. They were not only obliged to do that, but they were also obliged to pay for their own sustenance when they arrived in Cork; and they were not even informed by the Crown at what period, or at what approximate period, it was likely their case would be brought on. Some 400 witnesses were kept in the city of Cork previous to Christmas, day after day and week after week, at their own expense, without the Crown being willing to grant them one farthing. In point of fact, the Crown absolutely refused to grant them 1*s.* towards their support. Nothing whatever was paid by the Crown until Christmas. The state of affairs then became too hot for the right hon. and learned Gentleman the Member for Mallow (Mr. W. M. Johnson). They had been kept there without any sustenance from the Crown, and the Crown Solicitor then sent to tell them they would not be wanted, although he had previously been repeatedly applied to to know whether the case in which they were interested would be brought on before or after Christmas. The consequence was that many of these poor people, having waited in Cork up to Christmas, were then obliged, on the adjournment of the Assizes, to go home, many of them to a distance of 50 or 100 miles, at their own expense; and to return again, at their own expense, to the adjourned Assizes after Christmas. He knew, also, that many of the witnesses were contemplating going into the workhouse and applying to the Union for relief, because they had been refused support from the Crown. Now, if this portion of the Act, and this power with regard to changes of venue, were to be worked in the same way as the Winter Assizes Act was worked, all he could say was that it would inflict the grossest cruelty and hardship upon persons who might be tried before this tribunal, and their witnesses. He could not imagine why the Government should seek to retain this power in the Bill. It was not likely they would ever find it necessary to use it. Why should they retain a power which could only be used for the purpose of inflicting injustice upon untried prisoners—men who were innocent in the eyes of the law—and make it difficult for such prisoners to make proper arrangements for their defence?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that, in reference to the last Winter Assizes at Cork, he could not understand how the facts could be as they were stated by the hon. Member. There was no reason why they should have been so. Any witness there could at once have applied to the Judge, and, upon convincing the Judge that he was a necessary witness in the case, and that he intended to give evidence on behalf of the prisoner, the Judge would have directed the Crown Solicitor, on the spot, to advance him his necessary expenses. He had known the Crown Solicitor who was concerned in the case all his life, and was able to say that he was a most competent and able, as well as humane man; and he (the Attorney General for Ireland) was sure that if there had been any miscarriage, and the smallest representation had been made to the Executive Government or to himself, instant redress would have been afforded. Therefore, if the facts of the case were as they had been stated by the hon. Member, it was the fault of the persons themselves who had submitted to very harsh treatment which they ought not to have undergone at all. What the hon. Member asked the Committee now was to force the Government to abandon a portion of the law that was essential to the administration of criminal jurisprudence. Generally speaking, persons were tried at the place where the offence was committed. There were very good reasons for that, because all the persons connected with the case were upon the spot. Nevertheless, cases might arise where it was impossible that that could be done. Accordingly, the law provided—and in this respect there was no distinction between the administration of the law in England and Ireland—that where it became necessary, what was technically called the venue—that was to say, the place of trial—should be changed. There was express power in the Courts, both in England and Ireland, to change the venue upon a sufficient case being made out for it upon affidavit. It was done frequently, and with that object he had at this moment directed a case to be removed from the county of Kerry to the Court of Queen's Bench. In that case if the venue was changed express provision would be made, not by an order of the Judge, but in the ordinary administration of the law for the payment of the expenses of every witness who might be necessary for the defence of the prisoners, who were unable to bring up their own witnesses, whether the prisoners were convicted or not. There was, therefore, not the slightest necessity for making any change in the Bill in regard to the payment of the expenses of any witnesses who were necessary to establish the defence of a prisoner. Of course, he took it for granted that the general law would be followed in all these cases. As far as possible the cases would be tried where the offences were committed; but if local circumstances existed which rendered that inadvisable, if, for instance, the state of the country was such that terrorism could be exercised, and they could not expect persons to come forward to give evidence under personal apprehension, it would be necessary to try the case elsewhere, and that could not be done without changing the venue. But in all such cases provision would be made to indemnify the witnesses for any additional expense entailed upon them by the change of venue.

MR. PARNELL remarked, that the right hon. and learned Gentleman had entirely begged the question. No objection was raised to the ordinary law as it stood. The ordinary law required an affidavit to be made before the Judge, before whom the case was sent for trial; but in this case it was left entirely to the Lord Lieutenant to decide whether the Commission should be issued, in the first instance, in the locality or county to which the prisoner belonged, or whether it should be issued in some entirely different county. Now, that was altogether a different case. Let the Commission be issued, and if there were any prisoners to be tried by the Commission, then let the application be made in the ordinary way, and if it were considered a fair application the Judges themselves would change the venue. But here the Government sought to do an entirely different thing. They asked that power should be given to the Lord Lieutenant to direct that a Commission should be issued wherever His Excellency pleased for the trial of a prisoner, no matter what part of the country he belonged to;

and it was only natural to suppose that the Lord Lieutenant would be very much guided by the convenience of the official class of Ireland who were to take part in the trial. He could well understand, in the case of a Commission being issued for the county of Mayo, that the Lord Lieutenant might consider it more convenient for the officers connected with the law to hold the Commission nearer Dublin, in the absence of any good hotel in Mayo, and the general discomfort which would unfortunately exist in that poverty-stricken county. It was only natural that everybody connected with the administration of the law should desire that they should not be taken down to Westport or Castlebar for the purpose of sitting upon a Commission for the trial of these offences. If the right hon. and learned Gentleman would leave it, as he stated just now, to the Judges themselves assembled on the Commission to decide whether the venue in particular cases should be changed or not, he (Mr. Parnell) would have no objection in the world; but he did object to give this summary power to an official class in the Dublin Office of the Lord Lieutenant, believing that it was a power that was liable to the most extreme abuse. If the power were given at all, it was a power that certainly would be abused; and he could foresee the immense hardship that would be inflicted upon a large number of poor and humble persons, who might not be in a position to advance the expenses that would be necessary for their witnesses. The right hon. and learned Gentleman had not ventured to say that the money would be advanced beforehand. On the contrary, he said that a case would have to be made out to the satisfaction of the Judges that all these persons were necessary as witnesses. But all the expenditure would have to be incurred in the first instance; and in what position would a poor person be to defray it? What he contended for in this case was that the decision in regard to the change of venue should be practically in the hands of the Judge, and not left to the arbitrary will of the Lord Lieutenant.

SIR WILLIAM HARCOURT said, he quite agreed that when a case was removed for trial from the county in which it occurred, it should only be upon a direct application to the Judges, upon a sworn affidavit, that the removal was necessary in the interests of justice. There might be cases in which the state of circumstances was such that it was absolutely necessary to leave a discretion somewhere, in order to insure a fair and impartial trial. He was bound to say that two voices were heard from hon. Gentlemen below the Gangway on the opposite side of the House. It was said in the first instance, that there was too much power given to the Judges; but now an Amendment was proposed that it should be altogether left to the Judges to say whether or not there should be a change of venue. The view taken by the Government in the matter was exactly that which induced them to oppose the Amendment, which proposed to give to the Judges the power of deciding whether or not a warrant for a Commission should issue at all. The reason why the Government opposed that Amendment was that a knowledge of the state of the country was necessary, and must be in the mind and breast of the Executive; and the Executive must be held responsible for acting properly upon that knowledge. If they transferred that responsibility to the Judges, they would defeat the control and responsibility of Parliament, which hon. Members opposite alleged to be so very desirable. They could make the Lord Lieutenant responsible; but they could only make the Judges responsible by addressing both Houses of Parliament to receive them. Therefore, if they wanted responsibility for the exercise of this extraordinary power, they must keep it with the Executive, and not transfer it to the Judges, because otherwise they would lose all control over it. The same reason that induced the Government to refuse the Amendment upon the question of the issue of the warrant equally induced them to refuse this Amendment because the same statement of facts which justified the issue of a warrant for a Special Commission would justify the removal of a trial from a disturbed district, where the witnesses were not likely to give their evidence without fear of personal consequences. That was a fact which must depend upon the knowledge possessed by the Executive of the state of the district; and it must naturally rest with the Lord Lieutenant, who would be responsible. He could not believe that the hon. Member for the City of Cork (Mr. Parnell) seriously thought that the Lord Lieutenant, or anybody connected with him, would exercise this power for the purpose of inflicting injury upon a prisoner. The power itself was only likely to be exercised in very rare cases, where it was considered impossible to get a fair trial in the district in which the offence was committed. It would be perfectly understood that a case might arise in which it would be dangerous for a witness to go into Court at all, owing to a number of people outside intimidating him. In such a case it was only proper that the trial should be withdrawn to a place where it could be conducted fairly and impartially, and efficient protection given to every witness. He trusted that the hon. Member opposite would be content with the security that the Government would not be likely to remove a trial, and incur considerable additional cost, unless it was absolutely necessary, and unless there was a real and substantial fear that injustice might otherwise be done.

Mr. SYNAN said, he thought the right hon. and learned Gentleman had misapprehended the objection which the hon. Member for the City of Cork (Mr. Parnell) had raised. The objection of the hon. Member was not to the Judges, nor to the decision of the Lord Lieutenant; but it was founded upon this—that in the case of an application to the Court of Queen's Bench, or to any Judge, to remove the venue from one place to another, it was done according to the ordinary law in open Court in the face of the public with due notice to the parties concerned, and with notice to the person who was to be put upon his trial. If the same opportunity were given to a man who might be put upon his trial under this Special Commission, and to all the parties concerned, to approach the Lord Lieutenant and express their views upon the application, then the case would stand upon the same level; but it was impossible to approach the Lord Lieutenant. It was impossible for a prisoner, or his witnesses, or the public to approach the Lord Lieutenant; and the change of venue under this Bill would be carried out in secret and in private. Nobody would know anything about it, and the venue would be removed away from the place where the trial ought to take place, without the knowledge of any of the parties concerned. That was the ground of the objection, and it had not been removed by the statement of the right hon. and learned Gentleman the Attorney General for Ireland.

Mr. O'KELLY said, he thought the right hon. and learned Gentleman the Attorney General for Ireland ought to explain how the prisoners were to obtain the first cost of bringing up their witnesses. Take, for instance, the case of a prisoner removed from the county which he represented (Roscommon) to Dublin. If he were a poor man, how was he to obtain the means of bringing up his witnesses, or to show the Court that they were necessary for his defence? Where was the money to come from? What machinery were they going to provide in order to enable a prisoner to obtain the money necessary to defray the first cost of his defence? It was perfectly idle to tell an unfortunate man, placed in such a position, that if he brought up his witnesses and then satisfied the Judges that such witnesses were necessary for his defence, he would obtain the money for the payment of their expenses. It would be utterly impossible for a man to bring up the witnesses in the first instance. There was another point upon which he wanted information—namely, at what intervals were these Commissions to be issued? The Committee were told they were to supersede the general gaol delivery; but he wanted to have some information as to the time a man might be in prison awaiting trial under this Commission. There was another point upon which the right hon. and learned Gentleman the Home Secretary had based the necessity for this change of venue—namely, the intimidation of witnesses. He looked upon that ground as simply absurd, because everybody knew that if a witness was to be intimidated in a district, he would be intimidated before the trial, and not at the moment it was going into Court. Witnesses were intimidated before they went into Court, or they were subjected to violence afterwards; and the change of venue would be no protection at all, whereas the removal of the trial would be a very great hardship in the case of a poor man. It would be absolutely impossible for a poor man to bring up the witnesses that might be necessary, and who might be essential to establish his innocence. It must not be forgotten that in serious cases under this Bill a man might be put upon trial for his life; it was, therefore, desirable that some explanation should be given upon these points. How had they been met? They had not been met except by statements which anybody who knew anything about Ireland knew to be wild and sensational assertions as to the intimidation of witnesses. As he had already pointed out, if witnesses were to be intimidated at all they would be intimidated before they went to the trial, and they would be as much afraid to give their evidence in Cork as in Tipperary. The question was, how were the Government going to protect the witnesses after they brought them back from the trial? He thought that was a most important point, and it had nothing whatever to do with the change of venue. He hoped the right hon. and learned Attorney General for Ireland would be able to answer the question.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he did not quite understand what the question was.

MR. O'KELLY said, he wished to know how the change of venue was to afford protection in the case of intimidation? The Crown objected to a trial taking place in a particular district, and proposed to change the venue; but his point was, that the intimidation would take place within the district before the trial, or it would assume the shape of an act of vengeance after the witness returned to his home.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that, on the first point put by the hon. Member, it was only reasonable, where a poor prisoner was tried out of his own county, that he should have his witnesses brought up for his defence. It was not a novel case, but it was a case that frequently occurred; and anybody who knew anything about Ireland would know that, over and over again, the expenses of witnesses were provided for. The witnesses could be brought up by the Crown Solicitor, and no Judge would proceed to try a prisoner without the witnesses he declared to be necessary to establish his innocence being in attendance. It had been stated that a general gaol delivery would not supersede a warrant under this Bill. The Home Secretary, however, would take care that a period of limitation in regard to the trials should be fixed, so that no prisoners should be kept in prison for long periods under colour of the Act; but limited periods would be fixed for appointing the Commission Courts. As to what the hon. Member had said about intimidation of witnesses, every care would be taken to give protection to witnesses who gave evidence at the trials.

MR. SHAW said, he merely rose to express his regret that the Government had not seen their way to yield to this Amendment. He thought that in a Bill of this kind, which effected so great a change in the present system of Criminal Law, the object of the Government should be to endeavour, as far as possible, to make it run on the lines of the existing law, and in as few cases as possible to remove it from the known and acknowledged rules of law. An application for a change of venue to one of the Courts of Dublin was a very different case to the proposition here made to leave it to the determination of the Lord Lieutenant. If the ordinary law was to be systematically set on one side, the people generally would not place any great amount of confidence in the new tribunal; and, therefore, it would be a wise thing, even for the sake of the Lord Lieutenant himself, that any change of this kind should be based on reasons stated openly, and for which a good account could be given. He apprehended that the question of removing a trial would be very rarely raised. In most cases the trial would be held in the counties or places where the crimes had been committed. It would be unwise, except in very special cases, where there was unmistakably such an amount of disturbance as to prevent an impartial trial from being had, to change the venue at all. He presumed that one of the great objects of the Government was to give force and effect to the Bill. The result of a trial in the locality would be felt and known all round; whereas, if it were removed, say, 100 or 150 miles away, the people living in the locality where the crime was committed would, practically speaking, know scarcely anything of it, and would have the impression that the trial had been carried on almost in secret, as far as they were concerned. He thought the Government would do well to reconsider their objections to the Amendment, and consent to accept it, as it was certainly in the direction of the present Criminal Law.

THE ATTORNEY GENERAL (Sir HENRY JAMES) contended that the provision of the Bill as to change of venue followed the precedent laid down for England by the Winter Assize Act. The practice in this country was to group certain counties together. A prisoner in Herefordshire was now liable to have his trial removed to Staffordshire without any application in open Court at all; it was done solely by the order of the Executive Government in Council, and it was done in order that there should be no waste of judicial strength. He quite admitted that in some cases it involved hardship upon the prisoner; but that hardship was mitigated as far as possible, and every effort was made to mitigate it. The attention of the House had been called to the matter on several occasions, and every effort had been made to proceed fairly, and to avoid inflicting injustice. No doubt, there might be some inconvenience in certain cases to prisoners by the grouping which took place; but it was considered necessary to follow that course for the sake of general convenience. Indeed, it was not only a matter of convenience, but of necessity, and hon. Members opposite evidently accepted that view, because they only asked that under certain conditions the removal should not take place. The proposal contained in the clause was merely to apply to Irish prisoners exactly the same course of procedure in principle that existed in this country.

MR. HEALY said, the hon. and learned Gentleman had not stated that this power of grouping, to which he referred, applied only to the Winter Assize. He had not made that admission. The present argument of the Government was a most extraordinary one. The Home Secretary complained that hon. Gentlemen in that part of the House were speaking with two voices; but the right hon. and learned Gentleman himself, and the Members of the Government, were speaking not with two, but with 20 voices. In point of fact, they changed their voice every hour. They were basing their argument now on the intimidation of witnesses; but was not a witness as likely to be intimidated before the case went to the Assizes as he was when he got there? The real point of the Crown was this—they desired to treat a witness as a squeezed orange—to get all the evidence out of him they could, then take him back to his home, if he was willing to go, and leave him to be shot. All they wanted was to bring him up so as to extract his evidence; and having taken him to Dublin, and chambered him with the officials in Dublin Castle, they would send him back again to be at the mercy of a local mob. That was what the argument of the right hon. and learned Gentleman the Home Secretary amounted to. But, going back again to the question of the expenses of witnesses, he believed the matter would turn very largely upon that point. If the Government would give a distinct assurance as to the payment of the expenses of witnesses, and an emphatic pledge that a full opportunity would be afforded to everyone of knowing when the trial would actually be brought on, he believed his hon. Friend would be satisfied. The right hon. and learned Gentleman the Attorney General for Ireland had stated that no practical hardship occurred at the last Winter Assize. At the previous Winter Assize, he (Mr. Healy) happened to be on trial himself, and he saw many persons who were in attendance as witnesses reduced to the extreme depth of destitution, and in danger of starving in the streets. He had been instrumental, personally, in raising a small subscription among his friends to keep them from starvation. The right hon. and learned Gentleman told the Committee that if a witness made an application to the Judge who presided at the Assize it would be promptly attended to. Did the right hon. and learned Gentleman remember that in one case—the case of Sub-Constable Walsh and the Millstreet riots, it took one witness four months, after bringing all the machinery to bear, to obtain the sum of £1? As a matter of fact, he believed that the man's expenses had not been paid yet, but that he had been threatened with a prosecution by the Crown for perjury. He should like to see the face of Judge Fitzgerald if an application of this sort were made to him at any trial over which he presided. Judge Fitzgerald would at once scout such an application out of Court, and tell the man who made it not to take up his time with such an idle matter. The right hon. and learned Gentleman the Attorney General for Ireland spoke of the Crown Solicitor as an amiable, well-meaning gentleman, always ready to listen to any application that was made to him. That might be so; but everybody knew how witnesses were treated in Ireland. No matter what representation they made, and however urgent the case might be, they were invariably put off from day to day, and from week to week. He thought that the trials of prisoners should be taken in alphabetical order, so that witnesses might know when they were likely to be required.

SIR WILLIAM HARCOURT said, he thought he saw what it was that hon. Members opposite desired, and he would be willing to consider the subject, and to undertake that a clause should be brought up to provide that the trials should be brought on in such a manner as to prevent the necessity for witnesses hanging about the Court. He would also consider whether or not he could insert a provision that in the case of poor prisoners their witnesses should not be kept away owing to the want of means to bring them to the place of trial. If their attendance was required, he thought they ought to be provided with money to enable them to attend where a prisoner had been removed to a distance from the place in which the offence was committed. He hoped that such an undertaking would satisfy the hon. Member for the City of Cork (Mr. Parnell). He did not pledge himself to the exact words of any provision to carry out these objects; but he would certainly bring up a clause having both of these objects in view—namely, to secure, as far as possible, that witnesses should not be kept waiting for an indefinite period, and that the Law Officers should have power to advance money to defray the expenses of witnesses who were considered necessary for the defence.

MR. PARNELL said, he thought the statement of the right hon. and learned Gentleman the Home Secretary was a very fair one, and he was quite ready to accept it. If there had hitherto been any provision to secure the payment of the expenses of witnesses required for the defence of a prisoner, it had certainly not been carried out; and it was only from the personal knowledge they possessed of the real facts of the case that the Irish Members had felt it their duty to press the matter strongly upon the attention of the Government. He hoped that the right hon. and learned Gentleman would put his clauses upon the Paper a few days before they would come on for discussion.

SIR WILLIAM HARCOURT: Certainly.

MR. O'KELLY trusted the right hon. and learned Gentleman would attend to the point which he (Mr. O'Kelly) had raised, and which was a most important one — namely, that whenever it was necessary, the witnesses for the defence should receive money beforehand to enable them to proceed to the place where the trial was to take place.

MR. M'COAN asked the right hon. and learned Gentleman if he would carry his concession one stage further, and provide that the change of venue permitted under circumstances by the Bill should be somewhat analogous to the grouping of counties in connection with the Winter Assizes in England? To remove a trial from Cork to the county of Antrim—and that was not an extreme case—might be the means of imposing great hardship upon an innocent man; and if there was to be a change of venue, it was desirable that the removal should only be to some place within a reasonable distance. By that means not only would the ends of justice be fully answered, but less inconvenience to all parties concerned would be occasioned. In addition, the Government would only be following the analogy of the English practice in regard to the Winter Assizes.

SIR WILLIAM HARCOURT said, he was afraid he could not undertake to limit the power in every particular case; but he thought no real hardship would result, even if a trial were removed two or three counties off, provided that all the expenses were paid. It would be quite immaterial to a witness whether he had to go to a distance of 12 miles or 50 miles, so long as his expenses were provided for.

MR. MARUM said, that with the consent of the Committee he would withdraw the Amendment.

THE CHAIRMAN: Is it the pleasure of the Committee that the Amendment be withdrawn?

MR. WARTON said, that before it was withdrawn he should like to ask if the matter could not be easily arranged by a clause similar to the 30th section of Russell Gurney's Act, which made provision for the payment of the expenses of witnesses in the case of prisoners committed for trial. If the matter were only mentioned at the time a prisoner was committed for trial, the Crown Solicitor would be invested with authority to pay them.

Amendment, by leave, *withdrawn.*

Mr. MARUM said, the next Amendment was a consequential one, and, after the decision arrived at, could not be moved.

Mr. P. MARTIN had an Amendment on the Paper, in line 32, after the word "appertains," to insert—

> "And every such warrant shall specify and set forth the offence or offences respectively charged, with particulars of time and place."

The CHAIRMAN said, he wished to point out to the hon. Member that if this Amendment were carried, it would prevent the Amendment, which stood lower down, in the name of the hon. Member for Kilkenny (Mr. Marum), from being put. He did not know whether the hon. Member had observed that.

Mr. WARTON said, he had an Amendment to move before the Amendment of the hon. Member was reached. He wished to move the omission of the words "the charge," in order to substitute the words "any charges." It was quite clear that there might be more persons than one for trial, and it was also clear that against each person there might also be more charges than one. Some such Amendment as this was therefore necessary. The clause, as it stood, empowered the Special Commission Court to sit at the place named in the warrant, and there, without a jury, hear and determine, according to law, "the charge" made against the person committed for trial and named in the warrant, and of doing therein what to justice appertained. His proposal would empower the Court to try "any charges" that might be preferred against any person committed for trial; and he believed that the Amendment was not only necessary, but that it would be a satisfactory one. It was not clear to his mind that it would be sufficient to try a prisoner on a single charge, or even a single prisoner. There might have been two or more engaged in the commission of the same offence, and there might be more than one charge made against the same person in connection with it. He would therefore submit the Amendment to the Committee.

Amendment proposed, in page 1, line 30, to leave out the words "the charge," and insert the words "any charges."—(*Mr. Warton.*)

Question proposed, "That the words 'the charge' stand part of the Clause."

Mr. PARNELL said, that there was an Amendment on the Paper in the name of the hon. Member for the City of Dublin (Dr. Lyons), which would come before that of the hon. and learned Member for Bridport (Mr. Warton), and which, in the absence of the hon. Gentleman, he (Mr. Parnell) wished to move. The Amendment raised a very important question, and he hoped he would have an opportunity of bringing it before the Committee.

The CHAIRMAN: The hon. Member for the City of Cork (Mr. Parnell) is too late. The Question now before the Committee is that the words "the charge" stand part of the clause.

The ATTORNEY GENERAL (Sir Henry James) said, the hon. and learned Member for Bridport proposed to substitute the plural for the singular. The hon. and learned Member ought to be aware that in all Acts of Parliament the singular included the plural.

Mr. WARTON said, he was perfectly aware that that was so under Brougham's Act; but he thought it would be better in this case to insert the plural, so as to prevent the possibility of any mistake.

Mr. HEALY wished to ask a question on a point of Order. The Amendment of the hon. and learned Member for Bridport (Mr. Warton) applied to line 30 of the clause; but the Amendment which his hon. Friend the Member for the City of Cork (Mr. Parnell) desired to move, and which he (Mr. Healy) thought he was entitled to move, applied to the previous line. He had certainly not heard the name of the hon. Member for the City of Dublin (Dr. Lyons) called by the Chairman.

The CHAIRMAN: I did call upon the hon. Member for the City of Dublin (Dr. Lyons), but he did not respond. The next Amendment upon the Paper was a consequential one, in the name of the hon. Member for Aberdeen (Mr. Webster), and I did not call that; but I proceeded to call upon the hon. and learned Member for Bridport (Mr. Warton), who had handed in an Amendment which was not upon the Paper. The Amendment proposed to be moved by the hon. Member for Cork City (Mr. Parnell), therefore, cannot be put now.

MR. MORGAN LLOYD said, he should like to know, in reference to the question raised by the hon. and learned Member for Bridport (Mr. Warton), whether it was the deliberate intention of the Government to confine the charges against a prisoner to those contained in the warrant? A case might occur in which a person was charged with a particular offence, and committed for trial for that offence. After his committal another charge might be made against him which was not made against him before the magistrate at the time he was committed. It was therefore a subject well worthy of the attention of the Government, whether or not they were determined to shut the door against any charge being made against a prisoner on being brought up for trial except the one which was mentioned in the warrant. It certainly seemed to him that the clause should be so framed as to allow charges of a similar nature to be brought forward at the trial, which might not be known at the time the prisoner was committed. For instance, a case of this description might occur. A man might be committed for trial on a charge of attempt to murder; but it might happen that after the committal, and before the trial, the victim actually died. But murder would not be the charge upon which the prisoner had been committed for trial. The charge against him was only one of attempt to murder, and he must be acquitted of that, because the victim had died. It was very questionable whether, as the Bill was now framed, the larger offence could be proceeded with at all, because it had not been mentioned in the warrant ordering the trial. There ought, therefore, to be an express power to bring forward any other charges for offences committed after the particular offence for which the prisoner was committed for trial. The matter was one which was well worth the consideration of the Committee and of the Government, whether it would be wise to limit the clause to the charge contained in the warrant.

MR. WARTON said, that, in moving the Amendment, he had the same idea in his mind as that which had been expressed by the hon. and learned Member for Beaumaris (Mr. Morgan Lloyd). It would be seen that if the words "the charge" were omitted from the clause, and the words "any charges" substituted, a prisoner could be tried upon any offence which he might have committed. If the clause remained as it stood, the question raised by the hon. and learned Member for Beaumaris (Mr. Morgan Lloyd) would arise—whether or not, in justice to the prisoner, the trial should be limited to the charge for which he had been committed, and which was specified in the warrant. He was anxious to secure that justice should be done on both sides. The right hon. and learned Gentleman would be aware that the late Lord Chief Baron Kelly ruled that where a man had been acquitted for assault, and subsequently tried for manslaughter, that the previous trial for assault was no part of the trial for manslaughter. He therefore considered that some amendment of the clause was necessary in the direction indicated.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he and his learned Colleagues believed the Bill was perfectly right as it stood. The offence was to be named in the warrant, and the evidence on which it was founded would be the evidence disclosed by the informations.

MR. WARTON said, in deference to the view expressed by the right hon. and learned Gentleman, he would ask leave to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

MR. PARNELL said, the previous Amendment having been withdrawn, he wished to move the Amendment standing in the name of the hon. Member for the City of Dublin (Dr. Lyons), which raised a very important question. It raised, in fact, the principle of the clause; and he thought it would be convenient if a discussion were taken on that Amendment on the question as to whether the Committee would sanction the abrogation of trial by jury in Ireland without having first ascertained whether they could not, by means of special juries, obtain convictions. The special jury system was well known. The persons on the panel of special juries were gentlemen of considerable fortune and position, and entirely above the motives which it had been said influenced the minds of persons composing the common jury.

MR. MORGAN LLOYD rose to Order. He wished to know whether, as the Amendment of the hon. Member for the City of Dublin had been called and not responded to by him, and that Amendment having been passed over and another moved in line 29 of the Bill, it was now competent to the hon. Member for the City of Cork to go back upon the work of the Committee and move the Amendment of the hon. Member for the City of Dublin?

THE CHAIRMAN said, if the Amendment had been negatived, it would not have been in the power of the hon. Member for the City of Cork to propose the Amendment alluded to by the hon. and learned Member for Beaumaris. But the Amendment having been withdrawn by leave of the Committee, the last decision of the Committee became the point of departure, and the hon. Member for the City of Cork would therefore be in Order in moving it.

SIR WILLIAM HARCOURT suggested that it would be better to take the discussion which would be raised by the Amendment proposed to be moved by the hon. Member for the City of Cork on the Question "That the Clause stand part of the Bill." It appeared to him that it would be convenient to finish the remaining sub-sections of the clause, the consideration of which need not occupy much time, before the question of trial by special jury was raised; and he put it to the hon. Member for the City of Cork whether he would not proceed in that way. It would be idle, if there was to be a jury, to go throughout the machinery of a Special Commission.

MR. O'CONNOR POWER said, he had not quite understood, from the remarks of the right hon. and learned Gentleman the Home Secretary, on what particular point of the clause it would be possible for the hon. Member for the City of Cork to discuss the question involved in the Amendment he had proposed to move.

SIR WILLIAM HARCOURT said, the opportunity would be presented on the Question "That the Clause stand part of the Bill." What he wished to point out to hon. Members opposite was that if the Special Commission Court was not to sit without a jury this clause of the Bill was not wanted at all, the question of change of venue and other details being about to be dealt with by special clauses. All the rest of the machinery of the clause would, in fact, be found in another part of the Bill; and, therefore, he said that the proposal of the hon. Member which related to the one remaining provision of the clause had better be discussed when the clause was put from the Chair.

MR. SYNAN said, he thought that if the right hon. and learned Gentleman had consulted his right hon. and learned Colleague the Attorney General for Ireland he would have learned that there had been Special Commissions from the year 1789 to the present time without juries. This question of the Commission sitting without a jury was not the sole remaining question involved in the clause. The question in the clause was that of the Special Commission Court.

THE CHAIRMAN pointed out that there was no question before the Committee. The hon. Member for the City of Cork should proceed, if he intended to do so, or the next Amendment would have to be called.

MR. PARNELL said, he was inclined to think that the suggestion of the Home Secretary was a reasonable one—that the discussion with regard to having a special jury should be taken on the Question "That the Clause stand part of the Bill," and would, therefore, not move the Amendment indicated.

MR. P. MARTIN said, that his attention having been called to an Amendment lower down on the Paper in the name of the hon. Member for Kilkenny (Mr. Marum), which expressed in more ample form the principle of the Amendment which he had himself placed on the Paper with reference to the information to be contained in the warrant, he should not unnecessarily take up the time of the Committee by moving the Amendment that stood in his name. Indeed, since he had given Notice of it he was glad to hear that it had been stated that Her Majesty's Government were not desirous of avoiding publicity; but, on the contrary, that they were anxious that the prisoner should have every information.

Amendment proposed,

In page 2, line 3, after "Commission," insert "and taken by rotation from the entire number of such Judges."—(*Mr. R. T. Reid.*)

Question proposed, "That those words be there inserted."

MR. HEALY remarked, that he had an Amendment to move to Clause 3, which provided machinery with regard to the Special Commission Court, the wording of which was taken out of the Corrupt Practices Act. He thought Her Majesty's Government could not do better than adopt that Amendment, which was to the effect that the Judges of the Irish Courts should meet on or before the third day of Michaelmas Term in each year, and select, by a majority of votes, three of their number for the trial of the offences before-mentioned in a Special Commission Court, under this Act, during the present year. It also proposed that if in any case at their meeting the Judges were equally divided in their choice of one of their number to serve on a Special Commission, the Lord Chancellor should have a second or casting vote, and that in the event of the death or illness of any Judge for the time being on the rota, or his inability to act from any reasonable cause, the Lord Chancellor should fill up the vacancy by placing another Judge on the rota. The right hon. and learned Gentleman was aware that the Lord Chancellorship was a political appointment; and it would be suggested, if the Bill remained in its present form, that he might select for the Special Commission Court three Judges of the character they were, unhappily, so familiar with in Ireland.

SIR WILLIAM HARCOURT said, he was obliged to confess, speaking for himself, that the arrangement in the Bill was the more convenient arrangement. It was obvious that amongst the Judges there were some who, by their practice at the Bar, and by their health, were more fit than others to go on Special Commissions. On the other hand, he was perfectly conscious of the possibility of its being said that the Judges had been selected on account of their political opinions. If that were so, and a strong feeling of the kind existed, Her Majesty's Government thought that feeling ought to be removed. He was afraid, however, that its removal by having a rota would lead to some inconveniences, because how was that rota to be settled? He did not suppose that, even if the Judges were to settle it themselves, hon. Members would be quite satisfied; and, therefore, he thought, if a rota was to be had, the best way would be to have it taken, as was proposed in a previous Amendment, by ballot, and leave the selection to nobody. He must leave the matter in the hands of the Committee; but, as he had before remarked, he thought the arrangement in this Bill would work conveniently. If the Amendment were pressed the Government were not inclined to oppose it; but, the principle being accepted, he trusted they might, by postponing the matter, be allowed to settle the details of the rotation later on.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 2, line 3, after "try," insert "in open court."—(*Mr. Parnell.*)

Amendment *agreed to.*

MR. MARUM said, he had an Amendment to move, the object of which was to provide that the accused person might peremptorily challenge any one of the Judges of the Special Commission Court, and that he should then be tried by the two other Judges. He was aware that this was a serious proposal; but, at the same time, he thought the total abolition of trial by jury was a serious infringement of the ordinary law. In making this proposition he did not for one moment intend to throw the least imputation on the Judges of Ireland, whom he thought could hold a favourable comparison with the Judges of England, and with the Judges of other countries, whether of the Old World or the New. He grounded his proposal on this—that, according to to the Civil and Canon Law quoted in the Codex and the Decretals, challenge of a Judge was admissible. He need not remind the right hon. and learned Gentleman the Home Secretary that the Civil and Canon Law were part and parcel of the law of England, or to quote Bracton and Fleta to bear out that statement, because Irish Members, in the matter for which he was contending, had a higher authority on their side. He admitted that Lord Coke stated that challenges of Judges went out of practice, and that, at the present moment, those challenges were not admissible. With the permission of the Committee, he would read a few lines on this subject from a book which used to be regarded as an authority upon Constitutional matters, and which was quoted a few days ago, in the discussion upon this Bill, by the right hon. and learned Gentleman the Secretary of State for the Home Department. *Blackstone*, treating of this right of peremptory challenge, said it was a provision

> "Full of tenderness and humanity to prisoners, for which our English laws are so justly famous; this is grounded on two reasons; as everyone must be sensible what sudden impressions and unaccountable prejudice we are apt to conceive upon the bare looks and gestures of another; and how necessary it is that the prisoner (when put to defend his life) should have a good opinion of his jury, the want of which might totally disconcert him; the law wills not that he should be tried by any one man against whom he has conceived a prejudice, even without being able to assign a reason for such dislike."

Now, if juries were to be done away with in Ireland, or in any other part of the British Dominions, it was not an unreasonable thing that we should retain as much of the jury element as possible; and, therefore, notwithstanding the novelty of the proposition he was making, he trusted it would, for the reasons he had given, meet with the favourable consideration of Her Majesty's Government. For his own part, he protested altogether against the abolition of trial by jury in Ireland and elsewhere, and begged to move the Amendment of which he had given Notice.

Amendment proposed,

In page 2, line 5, after "trial," insert "Provided always, That any such person may peremptorily challenge any one of such judges, and shall then be tried by the two other judges."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, he was afraid he could not accept this Amendment, which would lead to most awkward consequences. Everybody must feel the difference between the case of challenging a jury and that of challenging a Judge, even where the Judge was called upon to act as a jury. He did not think it would be possible for the Judges to act in this case if they were to be subject to this form of challenge; and, therefore, he trusted that, upon further consideration, the hon. Member for Kilkenny would not feel it his duty to press the Amendment.

Sir JOSEPH M'KENNA also appealed to the hon. Member not to proceed with his Amendment, which he could scarcely believe had been seriously put forward by him. In a case in which it was expected that the whole of the three Judges should agree, the leaving out of one of them did not appear to him to be either consistent or in favour of the prisoner. It was not to be supposed that one Judge could carry the other two along with him in spite of their own judgment; and he trusted the hon. Member would not occupy the time of the Committee further in disposing of this matter.

Mr. MARUM said, he begged leave to withdraw the Amendment in deference to what appeared to be the evident sense of the Committee.

Amendment, by leave, *withdrawn.*

Mr. MARUM said, the next Amendment he had to propose had for its object to prevent the surprise of accused persons, and afford them an ample opportunity of getting their witnesses together. He need say nothing more than this in support of the Proviso, which he now begged to move.

Amendment proposed,

In page 2, line 5, after "trial," insert "Provided, That fourteen days, at least, before the sitting of any Special Commission Court the Lord Lieutenant, by public proclamation made in the county or county of a city where the offence or offences was or were committed, shall declare the time and place of the said sitting, specifying the names of the persons to be tried, the nature of the several offences of which they are respectively charged, and the names of the judges constituting the Special Commission Court; and, where any such person is in custody, it shall be the duty of the governor or other chief officer of the prison in which he is confined, to furnish him with a copy of such proclamation at the period of the promulgation of the same."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, he was happy to be in a position to reciprocate the courtesy of the hon. Member for Kilkenny, by saying that Her Majesty's Government were willing to accept this Amendment. It was, in their opinion, very proper that it should be made known in the county when the trial was to take place, and that every facility should be afforded to those interested in getting evidence in favour of the prisoner. He would, however, ask the hon. Gentleman not to press for the insertion of the Amendment at this particular part of the Bill. It was desirable that this clause should remain purely a Jurisdiction Clause; and with that object Her Majesty's Government were prepared to insert, later on, a clause which would provide for the machinery necessary to the working of the Act. He hoped the hon. Member would be satisfied with the assurance given, which, he believed, would dispose also of a considerable portion of the Amendment next upon the Paper, in the name of the hon. Member for Wexford (Mr. Healy), which the Government were willing to accept, except so far as related to laying the warrant before Parliament.

MR. HEALY said, he should be happy to abstain from moving the Amendment referred to, on the statement of the right hon. and learned Gentleman.

Amendment, by leave, *withdrawn.*

MR. HINDE PALMER said, there was a useful provision in Sub-section 3, that the evidence given on the trial before the Special Commission Court should be taken down by a shorthand writer, who should be sworn to take the same accurately to the best of his ability. In his opinion, the sub-section did not go far enough, and the Amendment he was about to propose had for its object that the reasons given by the Judges in delivering judgment should also be taken down by the shorthand writers, because, where the right of appeal existed, this was of great importance to the parties concerned. It was not his proposition that the Judges should state their reasons, but that their reasons, if any, should be recorded. The Committee would remember that it had been stated in the course of this discussion that the Judges would give reasons according to the usual practice.

Amendment proposed,

In page 2, line 7, after the word "court," to insert "and the reasons if any given by the judges in delivering judgment."—(*Mr. Hinde Palmer.*)

Amendment *agreed to.*

MR. M'COAN said, he had never given Notice of the next Amendment on the Paper, to leave out Sub-section (4), although it stood in his name. Someone had evidently played a very bad joke at his expense.

SIR WILLIAM HARCOURT said, without wishing to exercise any right of pre-emption in this matter, he must point out that the Amendment standing on the Paper in his name, relating to the cost of conveyance of a person acquitted on trial by the Special Commission Court must, for grammatical reasons, take precedence of the Amendment of the hon. Member for Durham (Mr. T. C. Thompson), which the Government wished to accept.

Amendment proposed,

In page 2, line 10, after "conviction," insert "and the judges of the said court shall in all cases of conviction give in open court the reasons for such conviction."—(*Mr. T. C. Thompson.*)

Question proposed, "That those words be there inserted."

MR. TREVELYAN said, the Government accepted this Amendment with something like eagerness, inasmuch as they were extremely anxious that the reasons on which the conviction was founded should be thoroughly known, and the procedure of the Equity Courts adopted so far that the Judge should carefully analyze the evidence before coming to a decision. In the case of acquittal, as had been pointed out, it would rest with the Judges whether they would give reasons or not.

MR. WARTON said, they were getting into a rather awkward position with regard to the amended construction of this clause. They had adopted the Amendment of the hon. and learned Member for Lincoln City (Mr. Hinde Palmer), that the reasons of the Judges, if any, should be taken down by a shorthand writer, and they were about to add at the end of the clause that the Judges should in all cases of conviction give their reasons. He submitted that the sub-sections affected by these Amendments should be transposed.

MR. HEALY acknowledged the value of the provision for having the evidence and the Judges' reasons recorded by a shorthand writer. The Government having settled the machinery for this purpose, he presumed the transcript of the shorthand writer's notes would be available for the Press; and, therefore, he begged to ask in what way it was intended to communicate them to the House and the public?

Sir WILLIAM HARCOURT said, the records would, of course, be published in the ordinary way, although it was not intended that they should be published in the newspapers, so that if, in any particular case, an hon. Member desired to found his Motion upon a Judgment, he would then have an authentic record instead of a newspaper report which might possibly be inaccurate. That was one of the objects of having a shorthand writer in the present case; but the principal object was that in case of appeal the Judges of the Appeal Court should have an accurate knowledge of the evidence, and the reasons upon which the decision of the Court below was founded.

Mr. HEALY said, he hoped that the right hon. and learned Gentleman would not be unwilling to give a pledge that the shorthand writer's notes would be produced in any particular case in which it might be desirable to refer to them.

Sir WILLIAM HARCOURT said, that, as far as he was concerned, he had no objection to give such a pledge.

Mr. MACFARLANE urged that the judgment of the Court, as recorded in the shorthand writer's notes, should be made available to the public, because it was highly desirable that the public should have authentic information on so important a subject. It was especially necessary that the Irish public should possess this authentic information, in order that they might judge for themselves without waiting until a Return had been moved for in the House of Commons of the reasons given by the Judges for their decisions.

Amendment *agreed to.*

Sir WILLIAM HARCOURT said, the Government had considered how the case of a person acquitted in a county other than that in which he was committed for trial might best be met, so far as his return home was concerned. They had decided that where the object of the person so acquitted was to get back to his own county, he should be sent there at the cost of the public. He therefore begged to move the Amendment standing in his name, the object of which was to give effect to that decision.

Amendment proposed,

In page 2, line 10, at end, add "Where a person is tried by a Special Commission Court at any place beyond the limits of the county in which he was committed for trial, he shall, if acquitted by such court, be entitled to be conveyed free of cost to any place he selects in the county in which he was committed for trial."—(*Sir William Harcourt.*)

Question proposed, "That those words be there added."

Mr. HEALY presumed the right hon. and learned Gentleman was not aware, when he put his own Amendment on the Paper, that the Amendment on the same subject of which he (Mr. Healy) had given Notice was taken, word for word, out of the Coercion Act of last year. One would have thought that the Government, being so fond of the Act of last year, would have been willing to adopt this wording. However, the difficulty presented by the Amendment of the right hon. and learned Gentleman was that a man might be committed for trial at one end of a large county and tried at the other, in which case the provision for sending him home free of cost would not apply. In the case of the county of Cork, for instance, a man, after acquittal, might have to travel for perhaps 150 miles through a district in which there were no railways. The expense of this alone would constitute a great hardship; and he was quite at a loss to understand why the Government could not discharge the individual within five miles of the spot at which he was arrested. He thought that the Government should either add words to their Amendment to meet that case, or accept his Amendment, which, as he had before pointed out, was taken from their own Act of Parliament.

Sir WILLIAM HARCOURT said, he should have thought the words on the Paper implied that a man was not to be put to the expense of having to go home on foot.

Mr. HEALY urged that the Amendment of the right hon. and learned Gentleman did not come into operation until the prisoner was actually removed from the county where he was arrested. His own Amendment would operate whether the man was removed from that county or not. He repeated that, under the Amendment of the right hon. and learned Gentleman, in the case of Cork, the largest county in Ireland, a man might be taken 150 miles away from the place where he was arrested, and, upon acquittal, have to travel back again, at a very considerable expense, seeing that there was no railway there. If the right hon. and learned Gentleman would say that on Report he would alter his Amendment, so that it should apply even where a person was tried in his own county, he should be willing to agree to it.

MR. TREVELYAN said, he should imagine that a man acquitted under the circumstances indicated in the Amendment of his right hon. and learned Friend was in the position of a discharged convict, so far as the cost of getting home was concerned, and would be treated accordingly.

MR. R. T. REID proposed to add, at the end of the Amendment of the right hon. and learned Gentleman the Secretary of State for the Home Department, the words—

> "Unless he shall himself prefer to be discharged nearer to the prison in which he was last detained."

MR. MORGAN LLOYD said, when a man was tried and acquitted he was absolutely entitled to be discharged; and to detain him as a prisoner in any place after he was acquitted appeared to him to constitute a great injustice.

SIR GEORGE CAMPBELL pointed out that the Amendment of the right hon. and learned Gentleman contained no such word as "discharged." The words were—"He shall be entitled to be conveyed free of cost."

MR. PARNELL said, he thought the objection of the hon. Member for Wexford (Mr. Healy) would be met if the right hon. and learned Gentleman would consent to leave out of his Amendment the words—

> "At any place beyond the limits of the county in which he was committed for trial."

There were undoubtedly counties in Ireland like Cork, in which a man would have a considerable distance to travel in order to reach his home after being tried and acquitted within the county. It seemed to him only just that a man acquitted under this Act should not be exposed to any hardship on the ground of expense.

SIR R. ASSHETON CROSS said, it must not be supposed that because a man was acquitted by a special tribunal he was entitled to more costs than he would be if he were acquitted by any other tribunal.

MR. LEAMY contended that, in the matter of expenses, a man should be treated exceptionally who was acquitted by an exceptional tribunal. If a man was brought before an ordinary tribunal he would be tried according to the ordinary law; but in the present case he would be tried in a special manner. He thought the principle of the Amendment of the hon. Member for Wexford (Mr. Healy) ought to be accepted.

SIR WILLIAM HARCOURT said, as the point in question was not a very large one, he was willing to make the alteration in the Amendment suggested by the hon. Member for the City of Cork.

MR. MARUM pointed out that, according to the form of the Amendment, it seemed to be assumed that the person had been in custody and tried, and that then, on acquittal, his expenses were to be paid. But he must remind the right hon. and learned Gentleman that there were many cases in which men would be out on bail in their own localities. These, he thought, were entitled to their expenses; and, indeed, he did not see how their claims could be resisted. According to this Amendment, also, it was more likely that the person acquitted would be a bail prisoner than otherwise; and, as the principle was admitted that a man's expenses should be paid when he was brought a long distance from his own locality, he considered that there should be some *solatium* in the case of persons out on bail in their own localities.

Amendment proposed to the said proposed Amendment, to leave out the words, "at any place beyond the limits of the county in which he was committed for trial."—(*Mr. Parnell.*)

SIR R. ASSHETON CROSS asked the Secretary of State for the Home Department to explain to the Committee on what principle in future the expenses of prisoners, other than those tried under this Act, could be refused to them?

SIR WILLIAM HARCOURT said, the concession in the present instance was not made on the ground that the prisoner was tried by a Special Commission. If the question were raised with respect to the prisoner's expenses in the case of other tribunals, it would, no doubt, be replied that the provisions of this Bill were of a temporary character, and that the rule with regard to expenses could not consequently form a precedent.

Question, "That the words proposed to be left out stand part of the proposed Amendment," put, and *negatived.*

Amendment, as amended, *agreed to.*

Mr. MARUM said, he hoped the right hon. and learned Gentleman the Home Secretary would take into his consideration the point as to the expenses of bail prisoners in their own localities. He did not wish to put the Committee to the inconvenience of discussing an Amendment on this subject.

Sir WILLIAM HARCOURT said, he had seen no Notice of an Amendment to this clause dealing with the subject. He must, therefore, take time to consider the question.

Mr. CALLAN wished to add to the Amendment of the right hon. and learned Gentleman just adopted by the Committee words to the effect that a copy of the shorthand writer's notes of the Evidence and the Judgments of the Judges should be supplied to the party accused or to be tried on application to the proper officer. He hoped the Home Secretary would have no objection to allow these words to be added.

Sir WILLIAM HARCOURT said, this was not, in his opinion, the proper place. The shorthand writer's notes could only be wanted in case of appeal, and, therefore, the Proviso was inadmissible in this sub-section.

Mr. CALLAN said, he wanted to have the matter so arranged that the notes might be used for the purpose of appeals. There was no intention that the Proviso should be applied to summary jurisdiction cases; it was only required in cases where a man had been convicted by the Special Commission Court, and meant to appeal. He felt sure the right hon. and learned Gentleman would see the desirability of supplying this most necessary information to the prisoner.

The ATTORNEY GENERAL (Sir Henry James) pointed out that the question raised was one of procedure, whereas this was a clause simply giving jurisdiction. It was desirable, no doubt, where a person was convicted, and an appeal was intended, that the prisoner should have a copy of the Evidence and Judgment to lay before his counsel. His right hon. and learned Friend accepted that view, but considered that the machinery for carrying it into effect would be more properly provided in a clause relating to procedure than in this clause, which was one of jurisdiction alone.

Mr. CALLAN appealed to the hon. and learned Attorney General to point out in the Bill any place at which the Proviso would be more *apropos* than the present sub-section (4), which said that—

> "A person tried by a Special Commission Court shall be acquitted unless the whole court concur in his conviction."

And the Committee had just adopted the Amendment of the Home Secretary for the payment of a prisoner's expenses in case of acquittal; he only wanted the sub-section to express that, in case of conviction, the prisoner should be furnished with a copy of the shorthand writer's notes of the Evidence and Judgment; and certainly he could see no better place to make the Proviso than he had indicated.

The ATTORNEY GENERAL (Sir Henry James) suggested that the hon. Member should look to page 15 of the Bill, on which the rules of procedure were set out, in the belief that he would find there a much more appropriate place for the Amendment.

Mr. MACFARLANE proposed to move that a verbatim report of the proceedings of the Superior Court should be available to the public. The Government had admitted the principle in the case of the Inferior Court. It was sufficient that the prisoner alone should have the report.

Sir WILLIAM HARCOURT asked the hon. Member for Carlow not to press this matter, because all the ordinary channels of information would be open to the public. Judgment would be entered in precisely the same way as in this country. The hon. Member would have an opportunity of raising his point on the Schedule.

Mr. CALLAN said, the Attorney General for Ireland being now in his place, would probably be able to reply more satisfactorily than his learned Colleague the English Attorney General upon the point raised with regard to supplying the prisoner, on conviction, with a copy of the shorthand writer's notes for the purpose of appeal. He (Mr. Callan) wished that these notes should be supplied to the prisoner immediately he was convicted for the purposes of his appeal—not after he had given notice of appeal. The object was that the prisoner should be able to take the advice of his counsel upon the judgment of the Court. He asked the opinion of the right hon. and learned Attorney General for Ireland as to the propriety of moving the Proviso at this part of the Bill?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) concurred that the best place for the insertion of the Proviso would be found in the Schedule.

MR. CALLAN asked if the right hon. and learned Gentleman would say that it should be inserted in the Schedule?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) signified assent.

MR. PLUNKET said, in the absence and at the request of the hon. Member for East Sussex (Mr. Gregory), he proposed to move the Amendment next upon the Paper. He agreed in the fairness of paying the reasonable expenses of witnesses for the defence, because there was strength in the argument that, inasmuch as the tribunal proposed to be erected by the Bill was an exceptional tribunal, exceptional hardships might be imposed upon the prisoner. To that extent it was fair, no doubt, that the reasonable expenses of the prisoner's witnesses should be provided for. But the case which this Amendment was intended to meet was that of a witness who resided in the same county where the trial was held, and these persons would be put to no more inconvenience or hardship under the Bill than if they were called upon to attend at the ordinary Assizes of their counties. He saw no reason why, in that case, the ordinary practice should be departed from. The question was, from one point of view, rather for the consideration of the Treasury. Still, he put it to Her Majesty's Government to say in what sense the fact of the tribunal being exceptional was to make everything else in the Bill exceptional also. He hoped, if the provision of this sub-section were to be extended to a prisoner tried in a county where the offence was committed, it would not be put on the ground which the right hon. and learned Gentleman the Home Secretary gave at an earlier period in the discussion, because in that case everything in the Bill would be exceptional.

Amendment proposed,

In page 2, line 12, after "witnesses" insert "resident out of the county in which the trial takes place."—(*Mr. Plunket.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, in England, under certain circumstances, there might be expenses if a witness was within the county, and the extension given in this Bill was very slight indeed. He desired to make all the allowances under the Bill as liberal as possible, and where he could ease the Bill and make it less oppressive he was desirous of doing so.

SIR EARDLEY WILMOT said, there was an additional reason for being as generous as possible in the fact that the Bill was taking away the safeguard to prisoners of being able to place their cases before a Grand Jury.

Amendment, by leave, *withdrawn.*

MR. T. C. THOMPSON proposed an Amendment with the object of enabling the Government to grant expenses in the case of poor persons charged with treason or treason-felony for the payment of counsel. That proposal, he thought, would certainly appeal to the good feeling of the Committee. He could not agree with the view expressed on the other side of the House that prisoners in such cases were not in a different position from prisoners tried in the ordinary way; but he only proposed to extend this Amendment to charges of treason and treason-felony. Everybody acquainted with the law knew perfectly well what difficulties surrounded the charges of treason or treason-felony, and how difficult it was to define those offences. Unless poor people were provided with counsel they would not be able to meet such charges with a reasonable publicity of escape. It might be asked why they should be placed in a better position now than they were in previously? The reason was this—there was a good old principle of English law, that where prisoners were undefended the Judges should be counsel for them; and that principle had been acted upon throughout our Constitution. It prevailed so far as to form one argument used by the Judges against the prisoner's counsel; but now that position was to be destroyed, because the Judges were to be in the position of a jury, and it would be impossible for them, in any sense, to act as counsel for the prisoner. Having put the prisoners in a worse position than before, and taken away the great safeguard of Judges seeing that nothing unfair to the prisoners should be urged, and having left the prisoners undefended, except in so far as they were able to incur the expense of employing counsel, it was only fair, in such cases as these, that the Government should do something in this direction for the protection of the prisoners.

Amendment proposed,

In page 2, line 12, after the word "witnesses" insert "and in the case of poor persons charged with treason or treason felony, for the payment of counsel.—(*Mr. T. C. Thompson.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he thought there was some misconception as to the practice in Ireland in such cases. It had always been the practice in cases of murder for the Crown Solicitor to provide the fees for counsel if prisoners were undefended; and the Government did not see why the same practice should not exist in cases of treason and treason-felony. It appeared to them reasonable that the same practice should apply to those cases, and they therefore would accept the Amendment; but he would suggest the insertion in the Amendment of the words "or murder."

MR. PARNELL asked whether it was worth while to make any exception at all? It would be better to extend the principle to all the offences in the clause.

SIR WILLIAM HARCOURT said, the Government could go no further. A line had been drawn in the category of offences, and they must adhere to that.

MR. LEAMY asked if there was any objection to extend the principle to cases of manslaughter, for which a man might be sentenced to penal servitude for life? It was much more important for a prisoner to have counsel before three Judges than before a jury; and he thought a prisoner might be allowed to have counsel on a charge of manslaughter, provided, of course, that the Judges were satisfied that he had no means of paying counsel himself. The police would be quite able to ascertain that.

MR. P. MARTIN said, he hoped the Home Secretary would extend the principle to all the classes of offences. There was to be a special and exceptional tribunal; and he thought the same system might be adopted as that which had been, he might say, the uniform practice in the case of all Special Commissions in Ireland. Where circumstances necessitated their issue, the Crown assisted in defraying the cost of the attorney and the fees of counsel retained for the prisoner. That practice was not limited to murder, but was applied to all the offences enumerated in this clause. Some of the gentlemen who were now Judges in Ireland had been sent down to such Special Commissions, and been paid by the Crown to represent prisoners. Under these circumstances, as a special and exceptional tribunal was to be created, he hoped the Government would provide poor persons with the means of being defended by counsel. There existed no grounds for limiting the provision. The reason for its adoption was even greater than in the case of Special Commissions, as the Committee should bear in mind that the venue was to be wherever the Lord Lieutenant might select. He might select a venue where solicitors whom the prisoners might know were not present; and then the prisoners would be obliged to fall back on counsel. In such cases, it would be a subversion of justice for prisoners to be tried before these three Judges without having the assistance of counsel.

SIR WILLIAM HARCOURT said, he hoped hon. Members would admit that he had shown every disposition to go as far as he could in acceding to requests; but he did not think he ought to go further in this matter than treason and murder.

MR. LEAMY said, he thought one observation by the hon. Member (Mr. P. Martin) was worthy of further attention. A poor man might be taken, say, from Cork to Dublin, and, unless he had the means of engaging counsel in Dublin, he would have to go without any defence. In his own place that man might be able to scrape together a few pounds and engage a solicitor, who, perhaps, had a number of cases in Court, and, in consequence, would take a small fee; whereas, if he was in Dublin, he would not know where to find an attorney, or have the means of paying a large fee. As the Government were setting up a special tribunal, they ought not to hesitate over a few pounds. This Bill was not to last more than two or three years—and, presumably, some of the cases would be taken before juries—and he thought the Government might assent to the Amendment.

MR. LABOUCHERE said, he thought the contention of the Home Secretary was really a plea for murder; for he could easily conceive the case of a member of the dangerous classes, after having burnt down a house and assaulted the owner, saying he was obliged to murder the owner in order to get counsel, which his own means would not enable him to get for himself.

MR. MOORE said, he hoped the Government would agree to the proposal, for the provisions of the Bill were very stringent, and were calculated to destroy the confidence of the poorer classes in justice; and it would be very hard to make a man in Connemara believe he was going to be fairly tried when he was taken to Dublin to be tried by three Judges without a jury. He trusted the Government would see their way to granting such men every facility for obtaining a fair trial. Very likely he would not get a fair trial in any case. He did not wish to impugn the justice of the Judges; but it was one thing to give a fair trial, and another to convince a man that he had had a fair trial. The proposal would only involve a matter of a few pounds.

DR. COMMINS said, there was another point he hoped the Government would consider, for the sake of the Judges themselves. Their responsibility was about to be enormously increased, and, in proportion to increased responsibility, Judges always desired that prisoners should be well defended. In England, when a man was tried for murder, and could not provide counsel for himself, the Judge assigned him counsel; and for the sake of the Irish Judges themselves, as well as for the sake of the prisoner, it was important that the privilege of having the assistance of counsel should be extended to all prisoners—at all events, in such serious cases as manslaughter, for which penal servitude might be imposed. As for any distinction between murder and manslaughter, that was so small that he could not understand why a distinction was drawn. Judges had said, in summing up, that manslaughter might be so near to murder that practically it was impossible to draw a line; and, therefore, counsel was as necessary in a case of manslaughter as in a case of murder.

MR. HEALY said, he wished to know whether the Government could say how soon after a man had been committed he would be informed that he would be tried before this special tribunal, and where he would be tried; also upon whose directions this would be done, and whether the Attorney General for Ireland would have to go through each case? If so, he presumed that would be done in an alphabetical manner, and could not the Government arrange to inform the prisoner in time to enable him to provide counsel? It was essential that a prisoner should have early advice upon these points, because he might get up a local subscription in his own neighbourhood to enable him to obtain counsel. An hon. Member opposite had raised an objection to the expenses of witnesses being provided, and he presumed there would be a stronger objection to provision for counsel. The reason why this was specially necessary was that, under this Act, the Government would be prompted to bring more men to trial than under the old Act, taking the chance of getting convictions; and, therefore, men would be more liable to arrest.

MR. PARNELL suggested to the hon. Member (Mr. Thompson) that if the Home Secretary would agree to reconsider this matter on Report, the matter might be left with confidence to the right hon. and learned Gentleman.

MR. TREVELYAN said, he did not think the Government could hold out any hope of reconsidering the Amendment. They had made considerable concessions already in favour of the prisoners.

MR. NEWDEGATE said, there was no doubt that there had been ample funds for promoting the agitation which had led to the present lamentable state of things in Ireland; and he thought it would be only reasonable that those who were connected with the disturbances should provide the means of defending the prisoners.

Mr. MOORE rose to Order, and asked whether a discussion of the Land League funds was germane to the question before the Committee?

The CHAIRMAN: I understand the hon. Member simply to allude to the fact that there was a Land League fund.

Mr. NEWDEGATE said, if those funds were available for promoting disturbance, those who administered them should provide the means of defending the persons accused.

Mr. HEALY pointed out to the hon. Member that this Bill was to last three years; but the funds of the Land League might run out in three months.

Mr. T. D. SULLIVAN asked whether any person who subscribed for such a purpose would not be liable to such an action for maintenance as was brought against the hon. Member himself?

Mr. NEWDEGATE: Which eminently failed.

Amendment *agreed to.*

Amendment proposed,

In page 2, line 14, after the word "court," insert "and certified as required by such court." —(*Mr. Attorney General.*)

Question proposed, "That those words be there inserted."

Mr. PARNELL said, he did not believe the Home Secretary intended this Amendment to be moved, because, during the discussion on the Amendment with regard to prisoners being tried in the districts where the offences were committed, he had intimated his intention to bring up a clause later on dealing with the machinery for providing the expenses of witnesses. This Amendment certainly did not provide for expenses in the spirit of the statement of the right hon. and learned Gentleman, because it was expressly said there should be some provision for the maintenance of witnesses, and for enabling a poor prisoner to get his expenses before he came up for trial. Under the Bill, the witnesses might have to remain for some weeks in an Assize town, or wherever the Commission was held, at their own expense; and it was only reasonable that, after the money had been advanced out of the slender resources of the prisoner, the Court should certify for costs. He would suggest that this matter should be left open for consideration, and that the Home Secretary, having considered the question, should bring up his clause or clauses for effecting what he evidently thought it was desirable to carry out.

The ATTORNEY GENERAL (Sir Henry James) said, he perfectly recollected the statement of the Home Secretary; and what he understood to be the course contemplated by the right hon. and learned Gentleman was that for some witnesses an application would have to be made officially by the Crown Solicitor. He thought the better way would be to allow this Amendment to pass, seeing that there must be some certificate as to what witnesses were required. He was sure he could promise that the Home Secretary would take care that that was practically carried out.

Mr. HEALY asked whether, without this Amendment at all, what the Attorney General had spoken of would not take place? Someone must pay the expenses, and the person paying would require to be certificated. He thought the Amendment unnecessary.

The ATTORNEY GENERAL (Sir Henry James): We must regulate that, which is part of the procedure, or there will be no control whatever.

Mr. LEAMY: We are to understand that words will be introduced into the Bill for this purpose?

The ATTORNEY GENERAL (Sir Henry James): Yes; certainly.

Mr. P. MARTIN objected to the Amendment as likely to create considerable difficulties. He did not think the Attorney General meant that in every case the Judge should certify for costs. What was wanted was some officer to certify; but putting it in the "Court" would throw upon the Judge what he did not think the Attorney General intended. Under the circumstances, it would be better that nothing should be added to the clause at present. As the Government had definitely stated their intention to facilitate and assure the payment of all witnesses that might be fairly required to be produced before those exceptional tribunals, he thought it well to leave the entire matter to be provided for either on the Report stage, or to have new clauses introduced in Committee to regulate the payment of these witnesses. When framing these clauses, in addition to stating in what manner these expenses were to be estimated, it could be determined also who would be a suitable officer to carry out the matter. The adoption of this Amendment would introduce confusion to the Act, and the clause might run counter to the proposed clauses.

DR. COMMINS said, he should not object to an Amendment which would give the Court power to disallow expenses; but to introduce this provision here, and throw the onus of allowing expenses on the Court, was going too far. The Court would have enough to do to try issues, without being required to consider the question of allowing expenses. It would be sufficient to give the Court power to disallow the expenses of a witness who misconducted himself, or stated what was untrue, or tried to deceive the Court. What was wanted was an inducement to witnesses to come forward, in order that justice might be done; but this Bill seemed to tend towards inducing witnesses to come forward for the Crown, and the same provision should be made for the defence. In England it was the practice that, unless the Court disallowed expenses for some good and sufficient reason, every witness was entitled to a fixed allowance. There was no reason why that system should be departed from, for the intention of this Act was to induce those who could speak honestly and truthfully to come forward whether for the Crown or the prisoners. Therefore, the proper course would be to give some power—or rather, to omit this passage altogether—and then the present law would apply to witnesses on both sides, the Court having a power of disallowing expenses.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, a witness for the defence was not entitled to his expenses, as a matter of course, unless he was a necessary witness, and his expenses allowed by the Court.

DR. COMMINS said, a witness for the Crown in every criminal case was entitled to his expenses, and the defence ought to have the same provision.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the practice was, that where a prisoner in an ordinary case was too poor to get witnesses, the Crown Solicitor brought them up for him, and settled the expenses; and then the Judge decided the matter.

MR. HEALY remarked on the inconvenience of discussing this question without the Amendment of the Government.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) stated that the Amendment to be brought up by the Home Secretary would be of a different character from this. This Amendment dealt with witnesses before the Court; and the Amendment of the right hon. and learned Gentleman would deal with witnesses for the defence in order to bring them into Court, which was a totally different thing.

Amendment *agreed to.*

Amendment proposed,

In page 2, line 14, at end of the Clause, to add the words "Provided, That nothing in this section shall empower a Special Commission Court to try a person for any offence, unless a Judge and jury in Ireland have jurisdiction to try that person for the said offence."—(*Mr. Attorney General.*)

Question proposed, "That those words be there added."

MR. HEALY said, he had made a suggestion that only offences committed in Ireland should be tried by this Court, and the answer was that that would exclude offences on the high seas. This Bill, however, was not brought in for offences committed on the high seas, but for offences in Ireland, and he did not see why the Government should not assent to his suggestion to confine the Bill to Ireland. The Bill was not, he supposed, intended to deal with offences in Hong Kong. The Home Secretary had said the Irish Members were speaking with two voices; but was not this proposal of the Government an instance of speaking with two voices? They had brought in a Bill to try crime in Ireland; but who was going to settle the question whether a Judge and jury would have jurisdiction to try an offence? The Attorney General would probably say the Lord Lieutenant would decide; but the Irish Members had their suspicions, and it would be mighty little satisfaction to a man to tell him that a Judge and jury would have power to try him, and leave him to go to the Appeal Court and dispute that. The Home Secretary should accept the logic of the situation, which was that it was in Ireland alone that crime had to be dealt with. Therefore, he was not satisfied with the scope of the Amendment.

THE ATTORNEY GENERAL (Sir HENRY JAMES) explained that the words "in Ireland" were omitted, because it was intended to give the same jurisdiction as could now be exercised by the Courts in Ireland; and if the words were inserted, to put an extreme case, a man who wished to murder another might take him out to sea a short distance in a boat and there murder him. It was thought better to leave the Amendment as it now stood; but offences in Hong Kong would not, as suggested, be brought under this Special Commission.

MR. MARUM mentioned that the Act 24 & 25 *Vict.* c. 100, s. 9, gave power not merely to have the venue in the locality of the offence, but in any other locality, and, therefore, wherever a person could be tried under the ordinary law now, he could be tried by the Special Commission also. That was the entire object of this Amendment—that the person accused should be in the same position as if tried under the ordinary law; and the Government declined to limit the jurisdiction as to persons beyond the present law, which allowed a prisoner to be tried in certain places. He did not object to that; but he wished to provide that the Special Commission should be able to try a person in every place — and nowhere else—where he could be tried under the ordinary law. He was merely asking that the Government should extend to the place of trial as well as to the person the same principle, which would enable any prisoner to be tried for an offence at any place by the Special Commission as he could be under the present law. That would bring the two systems into harmony.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the Committee had some hours ago discussed the question whether there should be an Amendment enabling the prisoner to be tried out of the district where the offence was committed. The Committee decided that there should be special cases, and they could not now go back upon that.

MR. HEALY regretted this Amendment. He had endeavoured to induce the Attorney General to come out frankly with his reasons for restricting this Amendment. The Home Secretary had not done so, but he would give the reasons. The right hon. and learned Gentleman wished to bring Irishmen in America, or England, or elsewhere, under the Treason and Treason-Felony Clause. The right hon. and learned Gentleman might deny that; but could he deny its possibility? This was, practically speaking, the Alien Act in a worse form. The Government had now raised the entire question of American citizenship by the way in which this Amendment was drafted. He was sorry they had not seen their way to accepting the words "in Ireland," seeing that this was a Bill, according to its title, for the Prevention of Crime "in Ireland;" but it was now to be made a Bill for the Prevention of Crime in America.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PORTER): No.

MR. HEALY said, the hon. and learned Gentleman might deny that; but he (Mr. Healy) knew that certain persons had been tried for speeches in America, and convicted. A change in the law prevented American citizens from being hit by such a Bill as this, but only when they could prove naturalization; and that law would not touch some people in America who had spoken and written, and against whom, on some paltry matter, the Government might use this Bill. Was it fair that a Bill for the Prevention of Crime in Ireland should enable the Government to deal with crime anywhere else? The Government continually gave warnings against the putting of extreme cases; but what was the case the Attorney General brought forward? That one man might take another man to sea in a boat and murder him. A man might take another up in a balloon and murder him; but people did not do these things; and why should they go to the region of absurdity instead of dealing with practical facts? Did the Government wish to insert a clause, under cover of this Bill, to deal with entirely different matters? If they brought in a Bill to put down treason in America, the Irish Members would discuss it with the Government; but they objected to a Bill brought in under false pretences. If the Attorney General was afraid of a murder in a boat, let him insert the words "on the high seas." It might be said that Irish Members should not object to striking at crimes in America; but they objected to the evidence of informers, and evidence could not be got from America without informers. The Government would have their spies ready in America upon whose evidence men might, under this Bill, be convicted, although men who had been convicted on such evidence could swear that every word the informers uttered was false. Could the Government defend this proposal by necessity? If their only argument was that a man might take another to sea and murder him, the Irish Members would meet them and agree to a murder in a boat being triable by three Judges. But this Amendment was a very different thing, and the Government ought to have no such power as that now proposed

SIR WILLIAM HARCOURT said, he was surprised to hear that there was any objection to this Amendment. It had been drawn up in perfect good faith, to redeem a pledge given to carry out what certain hon. Members below the Gangway had asked for—namely, to provide that a Special Commission should have no more and no less jurisdiction than a Judge and jury in Ireland. The objection raised was that the clause contained no words making it clear that a Commission might not assume a jurisdiction which a Judge and jury would not have. That never was the intention of the Government, and he undertook to make that clear; and, therefore, this Amendment was brought in to give a Commission precisely the same power as a Judge and jury would have. As a general rule, a Judge and jury in Ireland could only deal with offences committed in Ireland; but he had been unable to accept a previous Amendment, because treason, wherever committed, was triable anywhere, and, of course, it must be tried in Ireland, whether by a Judge and jury or by this special tribunal. [Mr. HOPWOOD: How about the case of a murder beyond the seas?] The hon. and learned Member for Stockport (Mr. Hopwood) corrected him, saying there was another case — namely, a murder beyond the seas. He had overlooked that; but it was another case which should be tried, and he had brought in this new Amendment. All that was asked for was that this new tribunal should have neither more nor less jurisdiction than a Judge and jury; and he ventured to think the Committee would be satisfied with the Amendment, which provided that, and carried out the understanding upon which the hon. Member for Wexford (Mr. Healy) withdrew his Amendment.

MR. T. P. O'CONNOR said, he thought that although the hon. Member for Wexford had stated his case against the Government with some strength and vehemence of language, he had not put the case too strongly. The Government undertook to bring in a sub-section of limitation; but they had brought in a section of extension. It was perfectly true that this clause did not give to the new Court any jurisdiction which did not belong to the old Court; but the new Court was a Court without a jury, and the effect of the proposed section would be to enable the new Court—in what the right hon. and learned Gentleman might call a fair charge of treason, but which he would call a charge of colourable treason—to interfere with the legitimate action of men of the Irish race, whatever part of the world they might be in. Then the effect of the Bill would be, not to put down murder or attempts to kill in Ireland, or to interfere with any other agrarian offences which had sullied that country in the last year or two, but to extend a wide net of interference with Irish political action wherever the Irish might be. That was most objectionable, and he agreed with the hon. Member for Wexford in the language he thought it necessary to apply to the description given by the Attorney General. Did the Government seriously propose to bargain on the absurd hypothesis that a man would take another into a boat and kill him, in order to avoid being subject to this Bill? Did the hon. and learned Gentleman put that case seriously, and think that a man who committed so cold and calculated a murder would take the trouble to take another man into a boat, or if he did, he would have any chance of escaping? Could not a man be tried by the ordinary tribunals for murder? The case put by the hon. and learned Gentleman was within the bounds of possibility, but it might be safely left to the ordinary laws. Let the Government say what they meant to include. Did they mean to include every offence committed in any part of the world which they could designate treason or treason-felony? Under words so wide and comprehensive they might interfere with every act or word, however Constitutional or moderate.

Dr. COMMINS regretted that the right hon. and learned Gentleman had left the clause in its present shape, because he did not think that it carried out the object the right hon. and learned Gentleman said he had in view when he constructed it. There were two offences which were first contemplated—namely, murder on the high seas, and murder beyond the high seas. There seemed now to have been another offence, of which the right hon. and learned Gentleman was not originally aware. The notorious and well-known Act of 1848 introduced the offence of treason-felony, and involved principles which were not to be found in any other Act. One of these was that the offence of treason-felony, no matter where committed, might be tried within this Kingdom, provided they caught the offender. The offence was a very peculiar and extraordinary one. It was an entirely new offence, and one which had never been made a crime anywhere before the passing of that Act. The Act itself applied to "treasonable practices," and before that Act passed constructive treason had been a puzzle to the lawyer and a terror to the politician. But if constructive treason was a terror, "treasonable practices" were much more of a terror. He did not know why it should be so, because he did not believe that a single indictment had ever yet been framed for treasonable practices; and unless the present Bill assigned something more definite than this extremely undefinable phrase "treasonable practices," it would be impossible to convict anybody. Hitherto, he believed, it had been impossible to draw up an indictment showing what the offence of treasonable practices was. He presumed that was the reason why hitherto no person had been indicted under the Act for the particular so-called offence; but they were now going to get rid of the necessity of defining offences in legal and technical phraseology in the form of an indictment, and the new tribunal would have power to find a man guilty of treasonable practices without finding it necessary to have before them what had always been necessary up to this time—namely, a formal indictment on the part of the Government who were the prosecutors defining the offence. Therefore, this Bill introduced a new danger. No man who ever went out of Ireland for a moment—no Irishman who had been in America, or France, or Australia, or anywhere else abroad, would be safe from an indictment for treason-felony when he returned home again. It was not necessary that he should have said or done anything which might be construed into a treasonable practice. Speeches might be invented for him and provided by perjured witnesses, and in this way a new terror would be introduced for every Irishman who had occasion to go outside Ireland. No man would be able to go abroad without running the risk of being indicted for treasonable practices. Under these circumstances, although the Proviso of the right hon. and learned Gentleman the Home Secretary might do something towards limiting vexatious prosecutions, it must not be forgotten that the Act would still apply to offences which were committed outside Ireland, and he should be glad if the right hon. and learned Gentleman could see his way to restrict the clause still more, so as to prevent the abuse of the Act by common informers, extortioners, and persons who made a trade of perjury in Ireland. So far as he could see, there was nothing in the Bill to prevent trumped-up charges being made, and persons being tried for them as having been guilty of treasonable practices.

Mr. HEALY said, he wished to ask a question on a point of Order. The Bill was entitled "Prevention of Crime (Ireland); a Bill for the prevention of crime in Ireland." That appeared upon the cover of the Bill. Then, in the Bill itself, the words were the same—"Prevention of Crime, Ireland; a Bill for the prevention of crime in Ireland." The Pramble, which had been postponed, recited that—

> "Whereas by reason of the action of secret societies and combinations for illegal purposes in Ireland, the operation of the ordinary law has become insufficient for the repression and prevention of crime, and it is expedient to make further provision for that purpose,"

and so on. The question he wished to put was this. Whether under the proposed clause, it being admitted that trials for treasonable offences which took place in Hong Kong were triable in this country, in a Bill which was only for the Prevention of Crime in Ireland, such an Amendment as that now before the Committee could be put from the Chair?

The CHAIRMAN: That is not a point of Order, but a point of law, in regard to which I am not competent to give an opinion. So far as I can form an opinion, the words "unless a Judge and jury in Ireland have jurisdiction to try that person for the said offence," put the Amendment properly in Order.

MR. HEALY said, that in that case he would ask the Government to consider another point. The hon. and learned Gentleman the Attorney General for England (Sir Henry James) said it was desirable to guard against murder committed in an open boat upon the high seas; but the clause was not confined to murder. It extended to treason and treason-felony. He would, therefore, ask the Government to accept an Amendment which would enable the Government to rest their case on murder—on murder in an open boat. The Proviso now said—

> "Provided that nothing in this section shall empower a Special Commission Court to try a person for any offence, unless a judge and jury in Ireland have jurisdiction to try that person for the said offence."

And he would propose to add to it these words—

> "Provided no person shall be tried by the said Court for treason or treason-felony committed out of Ireland."

If the intentions of the Government, in regard to the clause, had been *boná fide* stated by the Attorney General, he did not see what objection there could be to the insertion of an Amendment to that effect. The hon. and learned Gentleman said that it was desirable to prevent the commission of crime on the high seas, and so on, where a Judge and jury in Ireland would have jurisdiction. The hon. and learned Gentleman denied that there was any desire on the part of the Government to cast their net all over the globe, so as to intercept, by means of spies and paid informers, any Irishman who happened to visit another country. Either the Government did desire to extend the operation of the Act to America, Australia, and the Colonies, or they did not. If they did, let it be made perfectly clear, and let there be a frank statement from the Home Secretary; and, if not, he trusted the Government would have no objection to accept his Amendment.

SIR WILLIAM HARCOURT remarked, that when this question was raised last week, he said at once that the clause was intended to include treason. It was impossible, therefore, that he could accept the words of the hon. Member for Wexford (Mr. Healy), limiting the clause to crimes committed in Ireland, of a treasonable character, because treason was an offence triable wherever committed. There had been no attempt on his part to conceal that that was part of the object of the Bill. He had stated it in the most plain and direct manner, and he had thought that the hon. Member for Wexford accepted the declaration. [Mr. HEALY: No.] Certainly, the hon. Member for the City of Cork (Mr. Parnell) did. [Mr. HEALY: Only as regards murder.] That was not so. His statement was accepted as regarded treason also; and he had distinctly stated why treason should not be excepted from the clause. He had no wish to charge anybody with a breach of faith; but, certainly, the course now taken by hon. Gentlemen opposite was a distinct departure from the understanding which he thought they had come to the other night. He had stated that treason was an offence which must be dealt with wherever it was committed. Whether a man went to Scotland, England, or Ireland, or to any other part of Her Majesty's Dominions, if he had committed treason, he was a person amenable to the law. He had stated that in the most open manner, and he had thought that hon. Gentlemen opposite, sitting below the Gangway, accepted it. Murder, instead of being a treasonable offence, was added afterwards, because it was suggested by his hon. and learned Friend the Member for Stockport (Mr. Hopwood) that a person who might be killed in an open boat on the high seas would not come within the operation of the clause. Now, if an Irishman killed a man anywhere, he was amenable to the law whenever he came back to his own country. That was the law at this moment, and a very proper law. It was the same with respect to treason. If a person committed treason against the Crown—if an English person committed the murder of another English subject, and either of those persons came within the jurisdiction of the Crown, he was amenable, and would be, and ought to be, punished. He submitted that it was necessary to have all crimes of that nature punished; and if it was impossible to obtain a fair and impartial trial in any particular part of Ireland, then the offender should be tried before this Special Commission Court sitting in some other part of Ireland. It seemed to him that that was a simple statement easily understood. The Bill only proposed to apply the well-known principles of the law—common to all the Three Kingdoms—to offences which came within the jurisdiction of the law in Ireland.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. JOSEPH COWEN said, he was not quite sure that the Home Secretary altogether carried out in this sub-section the promise he had given to the Committee, and he understood that there were several points upon which hon. Gentlemen opposite wished to have information. He gathered from the statement of the Attorney General that treason consisted of words spoken or articles written in a newspaper. If in either case the words, spoken or written, were treasonable, the man who spoke or wrote them might be tried for treason or treason-felony. But what he wanted to know was this. Suppose a man made a speech in Chicago, or California, or New Orleans, or New York, condemnatory of the Government, could that man be tried in Ireland for a speech thus made, on the ground of treason or treason-felony? That, he understood, was the point hon. Members wished to have clearly explained before they assented to the sub-section the Home Secretary proposed to add to the Bill. During the last two years speeches had been made in America, some of them by hon. Members of that House, which had been made the subject of adverse comment in the House. Was it possible for those hon. Gentlemen, if this Bill became law, to be tried in Ireland for treason or treason-felony? The English Government might have agents spread all over America. Although the Fenian agitation was not carried on very extensively there now, it still existed. The Government agents might, therefore, attend meetings, hear what was said, and then give a very imperfect report of what they had heard; and, on the evidence of these inefficient reporters, a trumped-up case might be made against a man, and he might be tried for treason or treason-felony in connection with a speech made under such circumstances in America. It was to prevent the possibility of such a circumstance taking place that the Committee wanted to know from the Government whether, in such a case, it was possible for a man to be tried in Ireland for treason or treason-felony owing to a speech he might have made, for instance, in Chicago?

Sir WILLIAM HARCOURT said, he had no hesitation in answering that question. No man could be tried or convicted on an imperfect report of what he had said. In regard to speeches, the Committee had discussed that question at considerable length on the proposal to include treason and treason-felony in the Bill. It was not true that a man could be tried for any words he might utter, which—to repeat the phrase used by the hon. Member for Newcastle (Mr. Cowen)—were strongly condemnatory of the Government. Certainly not; nor for words strongly condemnatory of the system of government. He had ventured to point out to the Committee, and his hon. and learned Friend the Attorney General for England had also pointed out, what the Law of Treason was in that respect. It had also been explained in regard to treason-felony and advised speaking, that the offence was limited to two years after the passing of the Act of 1848. Therefore, treason-felony, as defined in that Act, did not now exist; and as regarded treason, it must be coupled and directly connected with a design to attack the system of government in this country. Words spoken with such an object and intention were treason, wherever they were spoken; and it did not signify whether they were spoken in Ireland, England, or anywhere else. If a British subject, by speaking or writing, endeavoured to advise or persuade an invasion of this Realm by foreigners, that was treason; and it was treason wherever it was committed. If a subject of the Queen persuaded or advised, either by speaking or writing, foreigners to invade and attack the Realm, wherever he wrote or made his speech, he was guilty of treason; and if he subsequently came anywhere within the Dominions of the Queen he could be arrested, and was triable and ought to be convicted of treason. That was his (Sir William Harcourt's) opinion, and he had never concealed that opinion. They could not alter the Law of Treason, and, as far as he could see, there was nothing unreasonable in it. A subject of the Queen had no right to go to any part of the world and advise foreigners to invade the Realm and attack the settled system of government in this country. He had no more right to do that in America than he had to do it in England, Ireland, Scotland, or France. Every country must act on the principle of self-defence; and these were principles of self-defence which every Government must reserve to itself. He hoped that he had satisfactorily answered the question of the hon. Gentleman.

MR. O'DONNELL said, there was this objection to the position in which the right hon. and learned Gentleman had placed the matter. Any man who was guilty of treason in foreign parts against his own country, by words or writing, had a right to be tried by a jury of his countrymen when he returned to England. That was an element of the case which had been altogether left out of consideration by the right hon. and learned Gentleman the Home Secretary. What was proposed to be done under this Bill was that a number of Judges in Ireland, who were Government nominees, and who in no way represented the country, should have the power of declaring and deciding absolutely upon a whole number of points which were involved in this clause. He should like the Committee to see the number of points involved. A man might be accused of having made a speech in New York, which was alleged to be treasonable. In order to be treasonable, the speech must have been in connection with a design to bring about an armed invasion by foreigners of the Queen's Dominions, for the purpose of oversetting the Queen's authority in Ireland or elsewhere. Therefore, these two or three Government nominees were in the same breath to decide that there was a design, that the speech was uttered in connection with that design, and that the words of the speech were words which, taken in connection with the design, amounted to an invitation to foreigners to invade the Realm. And this they were to decide without the protection of the common sense and the impartial mind of a jury. The Home Secretary passed over all that very lightly, with the simple observation that the nation was bound to defend itself against an individual guilty of such an act. Now, this was a Bill of a very exceptional character, and a Bill which was to apply only to Ireland. Then why did they not limit it, as much as possible, to what was absolutely necessary to meet the circumstances of the case? Why should they cast their net so widely, all over the world, in the chance of bringing in some one or two or three men as traitors, and punishing them without a jury, in case of their landing in Ireland? A clause of this kind was really only a trap and a net in which to catch the unwary. Where there was a real design for the invasion of Ireland by armed men from America, they might be perfectly sure that the conspirators would be real conspirators and real enemies of England, who would act in such a way that the nets of the Home Secretary would be spread for them in vain. If there were incitements to treason in speeches or writings in America, those speeches and absolute incitements would be made, probably, by the leaders of the organization in America, who need not have much fear of coming within the jurisdiction of this Act, for that sort of offence at any rate; but, on the other hand, a man in America—an Irish politician, for instance—might use very warm language denunciatory of the Government in Ireland; and he wanted to know what kind of denunciation would be safe from the mischievous misinterpretation of two or three partizan Judges in Ireland? If an Irishman in America were to say, for instance, that the Act of Union was only passed by force, would it be considered treason? Because it was a thing that might be said here in England by any man without putting himself in danger. There would be no fear whatever that any man would be brought before an English jury and condemned or convicted of treason for having uttered such a sentiment. But suppose a man said the same thing in America, and suppose some other man—some native Irish-American—should be present at the same public meeting, without having any other connection whatever with the Irish politician, and should declare that the circumstances under which English rule was established in Ireland were such as to deprive that rule of all right to obedience, and that the sooner such rule was put an end to by force the better, they might have a partizan Judge in Ireland putting together the speech of the American in the body of the hall, or on the platform, with that of the Irish politician, with whom he had no connection whatever, and, finding a certain amount of identity in the expression by which the Irish politician had condemned the means by which the Act of Union was brought about, he would at once declare that the speech was treasonable. Yet here, any ordinary English politician—the right hon. Gentleman the Chancellor of the Duchy of Lancaster, for instance—might in this country denounce the means which brought about the Union with perfect safety ; and yet, merely because a solitary Irish-American added to the speech of the Irish politician a rider, declaring that the system which had been established ought to be put down by any means, they would have partizan Judges declaring that there was clear evidence of a design of a treasonable character against the Queen's government in Ireland ; and, putting together the two speeches, it would be easy to make out a regular invitation to an armed force to invade Ireland, especially if the meeting was attended by any muster of armed forces, which was generally the case when any meeting was held in America in connection with the ordinary rites of citizenship. It was no unusual circumstance to have at such a meeting some 300,000 or 400,000 soldiers or State Militia ; and it was just possible that a partizan Judge in Ireland would triumphantly parade that fact as a proof of the presence of armed men, and would say that Mr. A. B., the Member for so-and-so, in Ireland, had, in such an armed assembly, denounced the English rule as having been unjustly established in Ireland. The evident conclusion to which the partizan Judge would arrive was that this was treason, intended to incite armed men to put an end to English government in Ireland; and it was quite clear, therefore, that penal servitude would, in such a case, be the least result of the operation of this clause of the Bill, as it had been expounded by the Home Secretary. But he (Mr. O'Donnell) repeated that it was only unwary politicians who would be caught by the Bill—innocent men who would have no treasonable designs. Any man who had a treasonable design would take very great care that he did not express it in that way ; he would know that it would be much safer to express it in quiet over a private breakfast-table in a secluded room, in some New York hotel or some New York mansion, in the presence of some half-dozen leaders of the Irish Brotherhood. And words uttered in that way would have ten times greater effect. But it was not against crime of that kind that the Bill was directed. Treason, under such circumstances, would be perfectly safe, and that was one great fault he found with the Bill. All through the Bill was an utterly ineffective one for the prevention of crime, while it would be exceedingly effective in putting down legitimate political agitation. He came now to the question of evidence. Upon what evidence would the charge be brought home ? It was palpable that it would be upon the evidence of spies and informers, whose characters would be already blasted; and upon that ground alone it would be more valuable in the eyes of a partizan Judge. He could assure the Home Secretary that the stringent force of the Bill would lose nothing by leaving outside of it offences of that kind ; while, by leaving them in, it was liable to create an enormous amount of disaffection, and was likely to afford facilities for the unjust punishment of moderate men. It must also be borne in mind that there was not a line in the proposed Amendment which was calculated to bring dangerous enemies of Her Majesty's Government to justice. The clause, as it stood, was directly aimed against public agitation. If the Irish people sent out a deputation to the United States, for the purpose of inducing the United States Government to undertake their friendly offices with England—in the same way that England proffered her friendly services to Turkey—there was hardly a sentence which such a deputation could utter, if they were reported to Irish partizan Judges, which would not subject them to conviction for treason, and to the punishment of penal servitude.

Mr. LABOUCHERE observed, that before the discussion ended, he desired to point out a mistake which he ventured to think the Government had made by putting in the same category such offences as treason and private crimes.

When the question of treason and treason-felony were under discussion, he understood the hon. and learned Gentleman the Attorney General to state, in the first instance, that nobody could be prosecuted for treason on account of words spoken.

THE ATTORNEY GENERAL (Sir HENRY JAMES): I never said so.

MR. LABOUCHERE: The hon. and learned Gentleman said he never said so. If not, somebody else did; and the opinion was expressed from the Treasury Bench. No doubt, as the discussion went on, the Government were not prepared to stand by that opinion, and they were obliged to admit that, under certain circumstances, persons could be prosecuted for words spoken. They now heard from the Home Secretary what those circumstances were. "Words spoken," said the Home Secretary, "were not treasonable unless they were accompanied with a design to attack the country and the Constitution of the country." But, as he (Mr. Labouchere) understood it, the design was proved by the words, and consequently the Home Secretary was merely playing with words. The right hon. and learned Gentleman said now "that a man could be prosecuted for words spoken, and it was for the Judges to decide whether the words spoken were treasonable or not treasonable." The Home Secretary proposed to extend that view to words spoken even in America, and he asked the right hon. and learned Gentleman if he knew of any case in which an Englishman had ever been prosecuted for high treason for words spoken in America? Was such a case ever likely to occur; and, if not, what was the object of putting treason and treason-felony in the Bill? His (Mr. Labouchere's) opinion was that the real object was to create a vague dread in the minds of Irish gentlemen who might go over to America, that spies would follow them throughout their trip, take down their words, and report them to Her Majesty's Government.

SIR WILLIAM HARCOURT said, he hoped his hon. Friend would allow him to correct him. The clause was not merely directed against words spoken, but it included an invitation made to attack the Realm. An English subject in America might, for instance, give a direct invitation to other persons to attack the Crown, and might assist in providing arms for an actual invasion. A British subject might be actively engaged in such a manner without having spoken treasonable words at all. He might form part of a battalion intended to invade the country, and the words in the clause were necessary, in order to provide against a case of that sort.

MR. LABOUCHERE said, that if that were so, would the Home Secretary agree to an Amendment, stating that it should not be mere words, but acts, that constituted the offence? The Home Secretary said he was anxious to guard against a man who was providing arms, or taking actual steps for the invasion of England; and if that were all, he was sure that no hon. Member would object to the introduction of such a clause into the Bill. As the Bill was now drawn, its only effect would be to overawe a person who might be speaking in America at a moment of excitement, and who might, in that moment of excitement, use vague words which might be taken down by some spy. If such a case occurred, the person by whom they were uttered, on his return to Ireland, might possibly find himself arrested and taken before three Judges, and condemned to a disgraceful punishment on account of them. It was on that ground he thought the clause ought not to be introduced into the Bill. He had pointed that out to the Home Secretary when they were discussing the question of eliminating treason-felony from the clause. The Prime Minister said the next day that he could not yield the point, because he had no time in 24 hours to consult with the Irish Executive; but he suggested that the hon. Member who had moved the Amendment should bring the matter up again on the Report. [Sir WILLIAM HARCOURT dissented.] He begged the Home Secretary's pardon; he thought he was stating what the Prime Minister said. The right hon. Gentleman suggested that it should be brought up on the Report. [Sir WILLIAM HARCOURT: No.] At any rate, the Prime Minister said that it could be brought up on the Report, and when he said that, it was next door to saying that it ought to be brought up. What the Prime Minister meant was this—"What is the good of discussing it now. I cannot yield at this moment. I do not say I am going to yield; but before the Report is taken I shall have time to consult with the Executive in Ireland, and I shall then be able to consider the matter after having had their Report, and say whether it is possible to yield on this question or not." It was very possible that the Irish Executive might declare that they found they could carry on the government of the country perfectly well without including treason-felony in the Bill; and, if so, what was the use of raising a discussion now upon the paragraph which the Home Secretary proposed to add to the Bill?

Sir WILLIAM HARCOURT said, he had only submitted this Proviso at the instance of hon. Gentlemen opposite. He would be perfectly willing to withdraw it, if it was the wish of the Committee.

Mr. LABOUCHERE said, he thought it would be much better that his right hon. and learned Friend the Home Secretary should withdraw it. [*Cries of* "Agreed."] He did not know that it was agreed; and if the Home Secretary withdrew it, as a necessary consequence, the hon. Member who had proposed the original Amendment would withdraw that. If the question of treason-felony was to be deferred until the Report was brought up, there would unquestionably be an exhaustive discussion upon it. He certainly failed to see that the introduction of the paragraph now would accomplish any such object, and he thought it would be better to accept the offer of the Home Secretary to withdraw it. He took it that hon. Members did not want the question to be prejudiced by the paragraph of the Home Secretary being accepted without the Amendment proposed to it.

Mr. T. P. O'CONNOR said, he was somewhat surprised that his hon. Friend the Member for Northampton (Mr. Labouchere), who was not altogether inexperienced in the ways of the world, should advise the hon. Member to withdraw the Amendment. That was exactly what the Home Secretary wanted. The position of the right hon. and learned Gentleman was this. He understood that hon. Members on that side of the House objected to certain provisions of the Bill as being too large. The right hon. and learned Gentleman with frankness said—"Your objection is a reasonable one, and I will limit the operation of the Bill by bringing in a new clause." In redeeming that undertaking the right hon. and learned Gentleman brought in a clause which left the jurisdiction exactly as it was, or, if it did anything at all, it enlarged it. And this was the way in which the right hon. and learned Gentleman met the demand that the Bill should be limited instead of extended. It had been suggested by his hon. Friend the Member for Dungarvan (Mr. O'Donnell) that some Irish Members in America might be induced, in the excitement of the moment, to utter words for which they would afterwards be sorry; but anyone who had been in America would know very well that if a man, in addressing a public meeting there, got into a state of excitement, that excitement was soon knocked out of him by the cool and collected and intelligent audience he found himself addressing. It was suggested that a shorthand writer might follow a Member in America. He wished he could be sure of that, because the right hon. and learned Gentleman would then be able to base the accusations made against Irish Members upon accurate reports, and not upon the reports which appeared in the American newspapers, which were most incorrect and misleading. The Committee had now this advantage. They had arrived at a clear understanding that spoken words could constitute treason. That, however, was not the admission of the Government at the commencement of the discussion. At the beginning their contention was that the clause was very limited in its application; that treason and treason-felony were offences well-defined and fixed by Statute, and that words spoken could by no chance come within the meaning of treason-felony. After that several explanations were given. The Attorney General said that words uttered at a meeting would not be treason, except under certain circumstances. The Home Secretary thereupon took the same line and said that words could not constitute treason, "except under certain circumstances." But all this meant that words could constitute treason, and that a judgment as to the circumstances would vary according to the heat or frigidity of the political circumstances of the time. The Government had now exposed the true meaning of the clause and had put a full interpretation upon it. He had certainly known instances in America where persons, carried away by excitement, had made foolish and vehement speeches; but the persons by whom such speeches were made were generally either not particularly sane, or particularly foolish, and not altogether sober. In some of those speeches an immediate invasion of this country had been recommended; but if the right hon. and learned Gentleman had himself been in America at the time they were made, he would not have been likely to take much notice of them. Certainly, this clause against treason and treason-felony was not required in order to deal with folly of that kind; but the truth of the matter was that this sub-section was not asked for in order that it might be put in force against persons who were asking for an invasion of England. What it was intended to meet was the case of persons who were conducting Constitutional agitation, and who, by a fraudulent interpretation of the clause, in a time of political excitement, would be brought under its operation. The right hon. and learned Gentleman said that he was in the habit daily of reading columns of matter in the Irish and Irish-American papers, advocating the invasion of this country. He did not wish to cross-examine the right hon. and learned Gentleman, but he should like to ask him if they were Irish newspapers in which he read trash of that kind? Could he name three newspapers in Ireland in which such advice was given; and could he name three Irish-American newspapers which recommended any such course of action out of the 65 Irish-American newspapers which existed in various parts of the United States? Because, out of that large total, the Home Secretary found one or two, or perhaps three—he did not think the right hon. and learned Gentleman could find so many—which occasionally advised such insane projects as the invasion of this country and the resort to atrocious crime, the right hon. and learned Gentleman formed a bad estimate of Irish-American character. The estimate the right hon. and learned Gentleman had formed of the Irish people in America was one of the most inaccurate, fallacious, and most blinding that ever occurred to the mind of man. The Irish people in America were by far the most intelligent portion of the Irish public in any part of the world. Any man speaking before them had to employ much more moderate language than he would be required to use on the floor of the House of Commons or in addressing his countrymen in his own country. The larger portion of the Irish people in America had gradually, under the free institutions and large advantages and prospects of that country, become owners of property, and, as a consequence, were Conservative; and all this bugaboo about infernal machines was about as fanciful, as unrealistic, as many of the scenes in "Babil and Bijou," and other extravaganzas.

SIR WILLIAM HARCOURT said, the hon. Member knew a great deal about America and the Irish in America, and what did he say? He said there were not more than two or three newspapers who advised the invasion of England and the commission of atrocious crime. He would accept that. But the two or three newspapers must be written for a certain *clientèle.* There must be a certain number of persons to whom such sentiments must be palatable.

MR. T. P. O'CONNOR: I do not think there are three such papers; there are only two.

SIR WILLIAM HARCOURT said, that if there were only two of these papers there must be a certain number of people for whom these inflammatory articles were written. What he wanted was, that when the people who wrote the articles advising an invasion of this Realm and a resort to atrocious crime, and the people who found these newspapers palatable, and for whom they were written, came within the Queen's Dominions they should be made amenable to this law. He was not prepared to say that these people formed the majority of the Irish in America; they might be a minority, but the law must control even a minority. The hon. Member might put the number of such people as low as he liked. If there was was only one man of this kind, the Bill would be necessary to deal with that one man. ["Oh!"] Why, he was always being taunted with paying too much attention to one man—Mr. O'Donovan Rossa—but they had not forgotten that he was elected by an Irish constituency. They knew that Mr. O'Donovan Rossa was elected by an Irish constituency on account of the very utterance of atrocious sentiments. [An hon. MEMBER: He was in an English gaol.] He might be mistaken about that; but, at all events, they knew that he was elected. What he (Sir William Harcourt) wanted to point out was, that if there be any number of people, be that number large or small, who, being subjects of the Queen, were engaged in designs of a treasonable character or designs for the promotion of atrocious crime, those people should, no matter where those designs were carried on, and no matter whether they were carried on by acts or words or writing, when they came within the jurisdiction of the English law—let it be in England, Ireland, or Scotland—be made answerable for their conduct.

Mr. JUSTIN M'CARTHY said, the right hon. and learned Gentleman had now discovered a new kind of treason or treason-felony; he had discovered that not only was the man who wrote a treasonable article in a newspaper, but the man who read the article, guilty of treason or treason-felony.

Sir WILLIAM HARCOURT said, he did not mean to say that. He was only answering the argument of the hon. Member (Mr. T. P. O'Connor). What he said was, that there must be a good many people who were favourable to these designs, or else treasonable articles would not be written.

Mr. JUSTIN M'CARTHY said, the right hon. and learned Gentleman stated that it was only right to bring all these people within the scope of this law. He made no distinction between the man who wrote a treasonable article and the man who read it. However, it seemed quite clear that the further they went the more dangerous became the clause which provided for the trial of persons charged with treason or treason-felony to be tried by a Court composed solely of Judges. The more they heard the offence defined the more difficult it was to understand the definition. Look how treason had gone up in the last few nights! A few nights ago they were told that no words could constitute treason, unless they were connected with some deed being done, or some deed already done. If a man, for instance, merely gave the word of command in a treasonable insurrection, that, of course, would be treason. To-night they heard that mere words, apart from any deed being done or being prepared, might constitute treason. The doctrine was certainly prevailing in the Committee at this moment that words, even though they could not be brought into connection with certain deeds, might be considered treasonable. Suppose a man went to America, and made on some public platform a foolish speech, in which he said—"I wish you Americans would invade Great Britain, and form a Republic there;" although there might be no treasonable organization, although there might be no idea on the part of anybody to invade England, that man, having made that speech to an American audience, could, when he returned, be tried before this jury of Judges on the charge of treason, because he had incited a foreigner to invade England. Almost any rhetorical flourish, however absurd, might render a man liable to be tried under this clause for treason; it might be argued a man meant treason when he merely threw idle words in the air. Now, an ordinary jury would easily see whether a man had been talking nonsense. There was no army in the field; there was no organization being prepared; and, therefore, such a jury would say these idle words were simply called aloud to solitude and were not treasonable. But he could easily imagine that three Irish Judges would consider that mere words alone constituted treason, and that they would convict this foolish orator. That was the substantial danger of this clause, and, therefore, every effort should be made to limit the force of the clause, by striking out those offences which came under the head of treason or treason-felony, and such crimes which were made up partly by law and partly by the interpretations of men.

Mr. LALOR said, they did not desire that a man who had been guilty of treason should not be brought to trial; but what they wished was that he should receive a fair and impartial trial. It was contended that a man who committed treason or treason-felony in Ireland, and the man who committed the same offence in America, were, in being tried by this Special Commission, placed upon an equal footing. That was not the case. A man who was accused of treason or treason-felony in Ireland had his witnesses about him, and he could call evidence as to character, or to refute the charge preferred against him. The man, however, who had committed treason or treason-felony in America had no one to call on his behalf, but he was completely in the hands of Government officials. The Judges, who, under this clause, were both Judges and jurors, the head officials who conducted the prosecution on behalf of the Crown, and the witnesses themselves, were all the paid officials of the Government. How could any man of common sense believe that an accused man would stand in the same position, under such an arrangement, as he would if he were tried under the old system of trial by 12 of his own countrymen?

MR. BIGGAR said, he could not understand why the Government should adhere so tenaciously to the retention of the words "treason or treason-felony" in the clause. It was notorious that for more than 10 or 12 years there had been no prosecutions for treason or treason-felony in Ireland or in England. In point of fact, it was so rare an offence that it was hardly worth taking into consideration. It was a much different matter when they talked of the possibility of a person being prosecuted for an offence of treason or treason-felony committed in America or in any part of the world. There had been no case, certainly in the memory of any person now living, in which a person had been prosecuted in this Realm for an offence committed so far away as America. The Government were not acting a very judicious part in occupying time in a discussion of this kind, because there was no probability that any prosecution ever could or ever would take place under the provisions of this part of the Bill. His hon. Friend the Member for Queen's County (Mr. Lalor) put the case very strongly as to the reasonableness of trying a man by jury for words alleged to have been spoken in America. It was only in regard to words that this part of the Bill would apply. If a person were engaged in a conspiracy to commit an outrage or outrages in the shape of murder or any other serious crime, he would come under another part of the Bill. The evidence which could be brought against a man for words spoken in America would necessarily be of a very meagre character, and, therefore, it seemed unfair that he should have to submit to such a trial as was proposed in the Bill. The reports of speeches in the American papers were but summaries, and it was almost impossible to find from them what it was a man really intended to say. If the witnesses against the accused were to select certain passages out of a long speech, the accused would be put in a very unfair position, seeing, as he had said, that as a rule there was no reporter present to take a verbatim note. It would be perfectly impossible for the prisoner to give proper evidence, and to say to what extent his remarks had been fairly reported. Of course, it could not be alleged that in any of the cases a full report could be supplied by the Government; they would simply offer in evidence the passages of a speech which suited their purpose, and the prisoner would have no chance of obtaining a fair trial. The Government were acting very unreasonably in standing so firmly by this part of the clause.

MR. JUSTIN M'CARTHY said, it struck him it would be well to allow the two lines to be withdrawn altogether, because they could discuss the question much better on Report.

MR. O'DONNELL said, he was induced to say a few words by the observations which fell from the Home Secretary. It was quite evident the Home Secretary had an entirely exaggerated opinion of the influence of Mr. O'Donovan Rossa. The right hon. and learned Gentleman had said Mr. O'Donovan Rossa was elected by an Irish constituency on account of his incitements to atrocious crime. The right hon. and learned Gentleman was entirely unacquainted with the career of Mr. O'Donovan Rossa. The period of Mr. O'Donovan Rossa's incitations to atrocious crime was quite recent. He was not condemned for any crime of an atrocious character; but he was condemned as an ordinary rebel, as one of the Fenian conspirators. He was elected for the county of Tipperary in consequence, above all things, of the reports which were prevalent throughout Ireland—reports which were afterwards confirmed by an examination into prison management—as to the barbarous manner in which he was treated in prison. The man came out of gaol with a mind soured and embittered to desperation, and his present tendencies dated from his barbarous treatment in an English convict prison. He assured the right hon. and learned Gentleman that his continual reference to Mr. O'Donovan Rossa and to Mr. O'Donovan Rossa's paper was the subject of much good-humoured comment amongst every class of Americans —not only Americans, but Irish-Americans—and he (Mr. O'Donnell) did believe that the solitary and wretched newspaper that was brought out by Mr. O'Donovan Rossa was mainly supported —as it was certainly mainly advertised —by the right hon. and learned Gentleman the Home Secretary. Every time there was an attack upon Mr. O'Donovan Rossa and his trivial paper there was an article in the following number, headed something after this fashion — "The British Home Secretary trying to trample on O'Donovan Rossa." "O'Donovan Rossa defies the Home Secretary." And but for this continual interchange of compliments between the Home Secretary and the editor of *The United Irishman*, *The United Irishman* would have failed long since. If the right hon. and learned Gentleman the Home Secretary desired to put down in a practical form Mr. O'Donovan Rossa's treason, let him cut short his supply of references to O'Donovan Rossa and his paper. He thought that within three months of the imposition of that silence *The United Irishman* would cease to exist, and, consequently, all foundation for the terrors of the Home Secretary would cease to exist also.

Mr. HEALY pointed out, that not only did O'Donovan Rossa live on the Home Secretary, but the Home Secretary lived on O'Donovan Rossa. The admiration of one gentleman for the other was quite mutual.

Mr. LEAMY wished to remind the Committee that Tipperary elected O'Donovan Rossa for the very same reason that Meath elected Mr. Michael Davitt.

Mr. NORWOOD rose to Order. He appealed to the Chairman to say whether it was proper they should hear the history of O'Donovan Rossa? For the last 10 minutes they had heard of nothing but O'Donovan Rossa.

The CHAIRMAN: I was about to explain that we are straying from the clause. Perhaps hon. Members will keep to the Amendment before the Committee.

Mr. LEAMY said, that if he had erred, he had erred in good company. He was simply addressing himself to a point raised by the Home Secretary, who stated to the Committee that O'Donovan Rossa was elected by Tipperary because of the incitements made in his paper to atrocious crimes. That was not the fact.

The CHAIRMAN: I have already said that the discussion is proceeding upon an individual, and not upon the Amendment.

Mr. LEAMY said, he had no intention to contest the ruling of the Chairman; but he wished to remind the Committee that they had been told by the right hon. and learned Gentleman the Home Secretary that the existence of a man like O'Donovan Rossa would be good ground for bringing in a Bill like the present. The Home Secretary had also said that words alone could not be considered treasonable, unless they were coupled with some act against the Sovereign or Government of this country. When a statement of that kind was made, English Members were inclined to think there could not possibly be any danger to a law-abiding man; but they had been accustomed, within the last three or four months, to hear in that House the Law Officers of the Crown get up and quote portions of speeches made by Irishmen in Ireland and in America, and say—"This is a proof of treason and of treasonable designs." They had heard quoted a speech of the hon. Member for the City of Cork (Mr. Parnell), in which he said he would never have gone into the Land League—he would never have taken off his coat—unless there was something behind the Land League movement; and they had been told that this was an indication that the hon. Member looked upon the Land League movement as a treasonable movement, or a movement for treasonable objects. He (Mr. Leamy) did not want to shield any man for what he said in America. He would condemn any man who would go to America and say on a platform there what he would not say on a platform in Ireland. They should ascertain once for all from the Home Secretary whether anything a man could say on an American platform in denunciation of the system of government in Ireland could be coupled with a remark made by some excited person in the crowd? [Sir William Harcourt: No.] The right hon. and learned Gentleman said "No;" but he (Mr. Leamy) remembered very well that during the course of the prosecutions against the Traversers, in Dublin, some time ago, the then Attorney General for Ireland (Mr. Law), in citing the speeches of the accused, laid great stress upon remarks made in the crowd—such as "Kill him!" "Shoot him!" "Give him lead!"—remarks which, possibly, were never heard by the speaker on the platform. The speaker on the platform was occupied with his own thoughts, and anxious to make his words heard by a great mass of human beings, and could not heed every interruption made in the crowd; but the Attorney General sought to connect the speaker with all the men in the meeting, who said indiscreet things, and who might have been sent there for the very purpose of giving some treasonable or murderous colour to the language used. They ought to know whether it was the intention of the Government, whenever a man went to America on a political errand, to send out one or two detectives to take down every word he said, in order to bring them up against him hereafter.

Question put.

The Committee *divided:*—Ayes 128; Noes 25: Majority 103.—(Div. List, No. 108.)

MR. HEALY said, he had now an Amendment to propose, as a protest against the way in which the Government had dealt with the clause. He denied that he had been guilty of a breach of faith in not accepting the Amendment; and his present Amendment was to provide that no person should be tried by the Special Commission Court for treason or treason-felony committed out of Ireland. Every man who voted against such an Amendment would be voting in the teeth of the Bill. It was alleged that the Bill was framed to put down crime in Ireland; and he now proposed that treason or treason-felony committed out of Ireland should not be dealt with under the Bill. A number of Gentlemen in the House objected to treason or treason-felony being in the Bill at all. How much more strongly ought those Gentlemen to be opposed to treason or treason-felony committed out Ireland coming within the purview of the Bill! The position which those Gentlemen took up on Thursday and Friday last was greatly strengthened and reinforced by the proposition he now made. The refusal of the Government to accept his Amendment would only show their hypocrisy in asserting that this was a Bill to deal with crime in Ireland. Coercion Acts in Ireland, from the very beginning, had not been aimed at crime; but they had been crutches to enable the British Government to creep along in Ireland, and the present Bill would very properly be styled—"A Bill for the better enabling the Queen's Government to govern Foreigners."

Amendment proposed,

> "At the end of the Clause, to add the words "provided also that no person shall be tried by the said Court for treason or treason-felony committed out of Ireland."—(*Mr. Healy.*)

Question proposed, "That those words be there added."

MR. ARTHUR O'CONNOR said, that not merely as a protest, and not in order to exhibit the hypocrisy of the Government, but on the merits of the proposal itself, he was disposed to support the proposition of his hon. Friend. The hon. Member for Wexford did not ask that persons guilty of treason or treason-felony in America, or in any other country, should go scot-free when they came within the jurisdiction of the English and Irish Courts; but he asked that the jurisdiction of this particular Court should be limited to crimes committed in the country for which the Court was provided. He put it to the Law Officers of the Crown, was there anything unreasonable in such a proposition? The whole history, for instance, of the Law of Libel in this country was one long struggle between the Judges on the one side and the juries on the other. Judges were emphatic in their ruling as to what was and what was not seditious libel and what was and what was not treason. He believed that one of the Judges who presided at the trial of the seven Bishops declared that nothing written constituted the offence of treason; but as late as the year 1808, a man was prosecuted and, he thought, convicted, because he dared write against flogging in the Army. One of the Judges in that case decided that the man was stirring up sedition against the military authorities of the Crown. All the opinions and judgments of Judges in such matters as treason and libel had been of a strained character; and if it had not been for the protection which juries afforded to the people of this country, they would not, in matters relating to treason and libel, be in the position of freedom which was at present enjoyed. What his hon. Friend asked was, that if men were to be tried in Ireland for treason, they should only be tried by Judges in cases where the offences were committed in Ireland; that the men who were charged with treasonable practices in America should have the benefit of trial by jury. He (Mr. A. O'Connor) was perfectly convinced that the men brought before a jury in Ireland for offences committed in America would have a fair and impartial trial. It was quite conceivable that language of a dangerous and inflammatory character, and language which might reasonably be put down as treasonable and as marking treasonable designs, would, if used in Ireland, be open to a totally different significance to what it would if used in America, and a jury would judge of that fact. They could hardly expect Judges to take the same view of such matters as juries. He believed that Judges trying men for seditious or treasonable language in Ireland would almost invariably find them guilty where juries would not. He should certainly support the Amendment, if his hon. Friend pressed it to a division.

Question put.

The Committee *divided:* — Ayes 22; Noes 131: Majority 109.—(Div. List, No. 109.)

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

Dr. COMMINS said, in the Preamble it was alleged that—

> "By reason of the action of secret societies and combinations for illegal purposes in Ireland the operation of the ordinary law has become insufficient for the repression and prevention of crime, and it is expedient to make further provision for that purpose."

He was of opinion that the ordinary law was amply sufficient for the prevention and repression of crime in Ireland, without the enactment of such a provision as was contained in this clause. He believed that if the 1st clause was enacted, it would be entirely inefficient for the purpose it was expected to serve; and, furthermore, he considered it would do an enormous amount of harm. He opposed it for three reasons—namely, that it was not necessary, that it would be quite inefficient, and that it would fail in its administration and in promoting the peace and good government of the country. What was the defect that was supposed to exist in the ordinary law which made this clause necessary? It was alleged that juries could not be got to convict where sufficient evidence was brought before them; and the cases in which this was supposed to take place were those of treason or treason-felony, murder or manslaughter, attempts to kill, aggravated crime of violence against the person, arson, and attack on dwelling-houses. Now, all these offences were what were technically known in the law as felonies; and in all cases of felony the Crown had the power of challenge. Unless the whole population of Ireland was hostile to the Government, there was nothing easier than for the Government to get an impartial jury to try any case. Whenever a man was indicted for treason or treason-felony, or, indeed, for any offence mentioned in the clause, the Crown had unlimited right of challenge. Nominally, the right was limited; but practically, it was unlimited. The Crown might summon any number of jurymen, and jurymen were selected from the very best of the middle-class people. Such people were the least likely to be influenced by any hostile feelings to the Government; they were the least likely to be implicated in any treasonable or seditious conspiracies; they were the people who had the most respect for life and property; and unless the Government was thoroughly hated and detested by even such people, the Government could very easily select an impartial jury, who would try according to the evidence, and would only convict if there was evidence on which they could convict. What arguments had been advanced, and what figures adduced, to show that Irish juries had abstained from doing their duty in ordinary cases, such as those enumerated in the clause? They had, undoubtedly, heard of a certain number of acquittals — a number disproportionate to the cases brought to trial—but that proved nothing at all. He would not trouble the Committee by going over the figures; but in no single case had anything been adduced to show that a jury had acquitted a prisoner when they ought to have convicted him; in no case whatever had it been shown that a jury neglected to convict on evidence on which any honest persons would have convicted. In order to show that, not only ought the evidence to be produced, but it should be shown that the evidence was that of credible witnesses. What was the fact in Ireland? In most of the cases, nay, in every one of the cases about which complaint had been made, the evidence had been that of the spy, of the informer, of the perjured witness. Informers were not unknown in England; but in cases where persons were indicted solely upon the evidence of an informer—a class of men who enticed people to commit crime, and afterwards betrayed them—the Judge, in England, invariably directed the jury to acquit the prisoner, unless the evidence of the informer was corroborated in some material point, and the juries had very justly and properly refused to convict. But what the Judges in England would have told them to do the Judges in Ireland had condemned them for doing. In Ireland the Judges had gone so far as to tell the jurymen that they were perjured—that they had no respect for their oaths—and in one particular case he had in his mind the jury were turned out of the box, and the Judge had said to them—"You are a disgrace to your country, and I will not try another case before you." Words to that effect had been addressed to a Cork jury because they had refused to convict on the evidence of informers. What did the Bill propose to do? It proposed to hand over the trial of prisoners to Judges who might have that opinion of the evidence of informers, which was in conflict with the opinion of the Judges of England, to Judges who had already shown that they were in entire disagreement with that which was not only the law of England, but one of the most fundamental principles of the law of England. It proposed to take away from accused persons a protection which they at present enjoyed, and to hand over to those who would be looked on more in the light of accusers than jurors unchecked power of conviction, and of sending people to the gallows even. He (Dr. Commins) entirely dissented from this, believing that it would do more harm than good. In every case where the evidence of impartial, credible witnesses could be got, and where the evidence of the informers was corroborated in important particulars, impartial juries could be obtained, because in cases of this kind the Government had practically unlimited power of challenge. The Government could challenge a Cork jury, for instance, so that 12 impartial men could be found; therefore, he contended, this Bill was unnecessary. It would do no good, and, whilst it would not tend in any way to bring a guilty person to justice, it would do a great deal of mischief. It would render convictions possible in cases where the evidence adduced against the prisoner was that of informers, and informers alone, and where the charge was one of inciting discontent, if they would, against the Government, which was only a political matter. The Bill would render convictions possible in these cases, and it would furnish an inducement to the spy, the informer, the sower of sedition, the man who got up secret conspiracies and afterwards betrayed his friends, if he could foresee that the jury would not stand between him and his victim, and that he would earn a high reward. The Bill would do more to cause crime than it would do to prevent it, and it would strike at the root, not only of individual liberty, but of all political liberty in Ireland. If it were true that conspiracies existed in Ireland—and he was afraid there was some truth in it—so long as the informer could bring his enemy, or the person he had marked out as the means of earning a certain amount of money, before a Judge, with no jury between himself and his victim, private liberty would be unknown. Every person who entertained a private grudge against a person, or who had private malice to gratify, would have a new means offered him of satisfying his revenge, and at the same time of filling his pocket. Nor was that all. The encroachments of Governments on the liberties of the people had only been prevented by juries standing between them and the public in the case of political offences. These offences would, in the future, in Ireland be tried by the new Commission. Cases of treason and treason-felony would be tried by the new Commission, which offences had been, justly or unjustly, assumed to be political offences—at all events, they bore a political aspect. The object of the Government was to convict at any price. They had had social disturbances and political disturbances in England, not much, if anything, better than that which at present existed in Ireland. They had had conspiracies to murder in this country, and nothing could be proved to be in existence in Ireland now, or to have been in existence during the past 20 years, worse than the Bath Fields Conspiracy or Cato Street Conspiracy to murder every one of the Ministers of the Crown; but, in spite of the conspiracies in England, there had been no attempt made to take away from the British public their right of trial by jury. The Government had respected the function of juries, and had found the ordinary law sufficient to put down sedition. Why did not the Government trust to the ordinary law? Why should they seek to take away from the people of Ireland that one protection which had always been found to be of such advantage, and to which the people of England owed the liberty they now enjoyed? Why should they seek to take away this protection without giving it a full and fair trial? No doubt, they expected great results from the issue of these Special Commissions; but Special Commissions bore a very bad odour in Ireland. They had been generally introduced in times of popular commotion, and their operations had had the effect of making the people distrust the Government more, and place themselves against the administration of the law. The first of them, probably, was Cromwell's High Commission Court—and he was afraid the Irish people would be inclined to associate the present High Commission Court with that of Cromwell, which was a travelling Assize going about the country to try persons for treason as it was understood in those days. Cromwell's High Commission hanged and transported with such vigour that the Courts earned for themselves the name of "Cromwell's Slaughter-Houses." Unless the Commission to be appointed under the present Bill was better than they had reason to expect it would be, it would earn a similar reputation. The people of Ireland could not trust it. What would these new Courts do? They would go back to the speeches made by the Judges at the opening of the Assizes, which speeches were occasionally quoted in that House. He would defy any grand juror in the House to refer to any single instance, within his own knowledge, in which an English Judge, in opening any Assize in an English Assize town, had delivered a political speech denouncing a certain political Party in the country, and telling them that the petty jurors were men who were determined not to perform their duty and not to observe their oaths. And yet that had been done over and over again within the past few years by the Judges in Ireland. It was an offence against good taste, to say the least of it; and anyone who read *The Life of Lord Campbell* would notice there an account of a speech in which he had denounced this practice on the part of the Irish Judges. The noble Lord had condemned the system of the Irish Judges using their position as Judges on the Bench to deliver inflammatory political harangues denouncing the popular movement of the time and the Leaders of that movement, whoever it or they might be—in fact, by their action teaching the people to distrust the law they (the Judges) administered, and the Government they served. This offence, he contended, had been most flagrant of late years. The Irish Judges, with very few exceptions, had, through their political harangues delivered on the Bench within the last three or four years, made the people of Ireland thoroughly and entirely distrust them; and the people would distrust any Commission in which the power of life and death and the power over liberty was handed over to the Judges without any check, and without any of the safeguards that were to be found in trial by jury in England. On these grounds he said that this section of the Bill was a mistake. It was entirely unnecessary. It would never effect the purpose it was intended to effect, because the people would have no confidence in it or in the Court that it would establish. It would do a great deal of harm; it would add to the distrust of the Government, and to the discontent that existed. It would add to the present unwillingness of the people to assist the administration of the law, as it would impress upon them the belief that the law itself was unjust. He believed it was a retrograde step, and would do a great deal of harm.

MR. JOSEPH COWEN said, he supported the proposition of his hon. Friend the Member for Roscommon, although he knew the result was foregone. The clause would be adopted and the Bill would be passed, whatever it contained. But he had the strongest possible objection to the abolition of trial by jury; and on every occasion when he could do so in accordance with the Rules of the House, he would lodge his protest against this most illiberal and reactionary proposition. Nothing had astonished him more during this debate than the loose way in which professing Liberals had talked of trial by jury. One hon. Gentleman had described it as a prejudice. He confessed he had no objection to a good wholesome prejudice, especially if it was a prejudice in favour of freedom. He trusted the prejudice in favour of trial by jury might never die out in England; for, if it did, they might bid a long good-bye to liberty. Another hon. Member had described it as pedantry. This was the same sort of charge that was made against Lord William Russell on his trial for participation in the Rye House Plot. He was sufficiently pedantic to defend the liberties of his native land. It was to be hoped that pedantry of that kind would increase and never diminish. He objected to the abolition of trial by jury because it would demoralize the people and discredit the Judicial Bench. It would demoralize the people, because it would destroy their confidence in the institutions of the country and in the administration of justice. Whatever some hon. Gentlemen behind him might think —however much they might object to it —there was a feeling in favour of trial by jury amongst the mass of the people in this country that amounted almost to a superstition. They believed that no honest trial could take place without a jury. That opinion had saturated the public mind, and any trial that took place, or any decision that could be arrived at, without the instrumentality of a jury would give no satisfaction to the public. They would not be content with it, and there would be a belief that the decisions arrived at by the Judges were foregone conclusions, and that the Judges were not sent out to try cases, but were sent out to convict. That would be the most demoralizing impression they could convey to the community with respect to the administration of law. In Ireland they were in this most unhappy condition, that the chief officers of the Government were not safe. There was no use in disguising it. It was a humiliating confession to have to make, and it was hard and painful to have to discuss it, but it was true. Officials in Ireland did not feel themselves at liberty to walk abroad as they did in England. The chief officers in Ireland, like the Russian Governors of Poland, had to be guarded; and now, not only the chief officials, but the Judges also, would have to be guarded. They (the Committee) would have to bring themselves face to face with the fact. If these Judges were to try prisoners without juries, the feeling would be as strong against them as it was against the officials of the English Government in Ireland. They had some difficulty in protecting the Viceroy, but it would be still more difficult to protect the Judges. But this abolition of trial by jury would have a demoralizing effect on the Judges themselves, who were anxious to elevate the character of the Judicial Bench. He did not mean to say that it would affect the Judges in the trial of ordinary cases, for the Irish Judges in these matters were just as dependable as English Judges; but there was an unpleasant belief that Judges in Ireland, in trials for political offences, had not been so impartial, and that was incidental to the condition of the country. It was not so very long since the same impression prevailed with regard to the Judges in Great Britain. There was a story told in Lord Cockburn's Memoirs of the troubles in Scotland in 1759, when, at a trial in Edinburgh, one of the Judges sitting on the Bench was reported to have called out —"Come awa', Mr. Smith, and help us to hang these scoondrels." The feeling still lingered in Ireland, and it was greatly to the credit of the Irish Judges that they wished to shake themselves from it. The most complimentary thing that could be said of the Irish Judges was that they had remonstrated against having these new duties cast upon them; and, if these duties were cast on them, it would intensify the prejudice against them, and in that sense, he said, this clause would be injurious to the Bench as well as to the community. There was a statement often made in this House—that the Irish people were in sympathy with crime. He believed that statement to be incorrect. They were not in sympathy with crime, but in sympathy with the people they believed to be suffering injustice.

The object of hon. Members, the object of all legislation and of all Governments, should be to enlist the Irish people on behalf of the law; but, instead of that, they were driving them into antagonism to the law. The people of England had faith in the Judicial Bench and in the integrity of its administration; therefore, it was sustained in this country. But in Ireland the people had not that feeling. Hon. Members could not expect that Judges would convict without evidence any more than juries would; and how, he would ask, were they to get the necessary evidence? Where was it to be found? He feared it would be true of the present Government, as it had been of previous Governments, that they would manufacture the evidence, and that they would use instruments and machinery in connection with this matter that they would not use in other cases. They would manufacture the evidence in this sense—that their spies, informers, and others, would incite persons to join secret societies. In the history of Ireland during the past 20 years, they had numerous instances of this kind of thing; for instance, they had seen men pretend to become members of the Catholic Church, and take the most sacred sacraments of that Church, for the purpose of winning the confidence of people whom they afterwards betrayed. There were the well-known cases of Talbot, Corydon, and others; and in the future, as in the past, the Government, if they did not secure the confidence of the people, would be compelled, in order to obtain convictions, to use such instrumentality as the evidence of these men. He maintained that it was discreditable to any Government to have to use such means. They did not use them in England, because the people were in sympathy with the law of the land; and rather than use them in Ireland, and rather than use these exceptional measures, he should think it would be better to tolerate a certain measure of crime. He said "these exceptional measures;" but this measure was scarcely exceptional, because in 80 years they had had 50 Bills, more or less, of this sort—for 50 years they had been disturbing the ordinary channels of the operation of the law in Ireland. Let hon. Members think what would be the feeling of the common people of England regarding the laws if in 80 years they had had 50 Coercion Acts! He held that it would be infinitely better that a certain measure of crime should escape punishment than that the people should lose all confidence in the law and regard for the Government. The end they should strive to attain might, by the process he was recommending, be long in coming, but, when attained, it would be more steady and more satisfactory than the end which could attend the passage of such Bills as this. On these grounds, he objected to all special legislation of this kind, and particularly he objected to the suspension of trial by jury. He should vote against the clause. Some hon. Members sitting on that (the Ministerial) side, however, spoke of the Bill and of the clause with confidence; but those hon. Members were not infallible. Members of the present Government were not infallible; and he would remind them that the 50 Coercion Bills which had been passed in 80 years, and which contained powers such as were contained in this clause, had failed in the past. This measure would fail in the future; and as they had been mistaken in their coercive legislation last year, so would events prove them to be mistaken in the policy of coercion they were adopting now.

Mr. MOORE said, that, as one of those who was not prepared to vote against every species of exceptional legislation, owing to the disturbed state of Ireland, he rose to state his objection to this clause. He felt very deeply, for reasons which had been described much more eloquently by others than he could describe them, that this clause was calculated to destroy the confidence of the Irish people in the administration of the law. There was not too much confidence in the administration of the law in that country at present, for it was always a difficult thing to inspire it in a case where a strong country was governing a weak one. In spite of the respect and regard in which many of the Irish Judges were held, still the general administration of the law did not stand so high as they could wish in the minds of the people. It was not that he, for one moment, feared that the measure would be administered unjustly. The history of the suspension of trial by jury in Ireland showed that it was more difficult to convince three Judges than to convince a jury of 12 of a prisoner's fellow-countrymen. He did not, then, fear that injustice would be done; but he feared that confidence would be permanently destroyed in the administration of the law. Moreover, he did not think the Government had a right to come down to the House and ask for so sweeping a power as this, until they had exhausted every other means of procuring convictions. He should not like to return to the old system of selection, to see a man brought up, as under the old system, to be tried by a selected jury, or one poor man brought up to be tried by a number of rich men, totally different to him in position and sympathies. He thought that would be a mistake, and that it was possible to get a fair jury by other and simpler means, and until that course had been adopted he did not think Her Majesty's Government had a right to come to the House and ask for the wholesale abolition of trial by jury. He did not think the proposal would be made, except in deference to the widespread and deep excitement that permeated this country, owing to the recent painful occurrence which they all regretted so much. He did not think failures of justice were so general in Ireland as many people believed them to be. There had been a great many heavy convictions in Ireland during recent years. Mr. Blake, whom hon. Gentlemen opposite very frequently held up in anything but a favourable light, and who was not a weak-kneed supporter of law and order in Ireland, had written to the effect that he had seen a large number of acquittals, but, at the same time, he had seen very many convictions, and not a few criminals severely punished, and even hanged; and he did not think the acquittals had been so universal as to warrant the abolition of the jury system altogether. That was the opinion of Mr. Blake. This question had been very lightly handled by the Government. Even during these days of excitement, some extraordinary convictions had taken place. There had been one in Dublin in connection with a murder popularly attributed to some secret organization. A man had been brought to justice almost within the present month. Again, during the very height of the excitement, a landlord had been fired at in County Cavan; a man had been arrested for the crime, tried in an adjoining county, found guilty, and sentenced to, he thought, 20 years' penal servitude. There was, in certain districts, some local sympathy with certain descriptions of crime; but he was sure it was not general throughout the country. There was no sympathy with great and serious crime; and if they eliminated the element of terrorism, no sympathy with crime would prevent justice being done under the system of trial by jury. He believed that if they removed that element of terrorism they would obtain convictions, and they could do that by changing the venue and carrying accused persons from one county to another. Of course, he should not like to see the system of changing the venue abused—he should not like to see, for instance, a Roman Catholic taken to a heated Orange county to be tried; that would be a gross abuse of the power. But by proper discrimination in the change of venue, and by grouping the counties, as was done in the case of Winter Assizes, they could secure fair and honest juries of a man's peers, and justice would be done. He thought the Government ought to exhaust every means in their power before they came to the House and asked for these exceptional powers; but, if they persisted in their demand for this clause, at least some pledge should be given that the law would not be generally put in force. It would, of course, be said that the law would not be generally put in force; but some strong pledge should be given that they would not eliminate the popular element from the administration of justice, the element that gave confidence and stamped the decisions of the Courts of Law with the seal of popular approval. He trusted the Government would not degrade the Irish Judicial Bench to the rank of police-executive magistrates, until they had exhausted every means within their power to secure a fair trial under the old system.

MR. HOPWOOD said, he hoped it was not too late to appeal to Her Majesty's Government to give up their design of infringing one of the oldest and most popular of our legal institutions. Though it might be too late for practical purposes, he thought it was becoming, at least in everyone who felt strongly upon this question, to make his protest at every stage at which he could do so without Obstruction—and certainly this appeared to be a stage that offered itself for that purpose. He felt this clause to be a dishonour to the Liberal Party from which it emanated. He felt that—and he felt he had given proof of his desire to support the Liberal Administration in its extraordinary dealings with Ireland; but he could not countenance such a proceeding as this, which proposed to alter so completely the administration of justice, and change the ideas of that administration in a manner so utterly foreign to the feelings of Englishmen. It was proposed to do away with trial by jury, and it occurred to him that some of his hon. Friends had referred to the love others had for that principle as "pedantry." Well, as everyone who had had any experience of trial by jury well knew, the reverence for the principle was not only a sentiment, but a defensible merit in the institution to be proved continually by practice. There was, in the first place, the position of the Judge on the Bench. The Judge had to array his thoughts; he had to arrange his statement upon the law, and to bring it to the comprehension of 12 men; he had to secure the attention of these 12 men, and to do all this in the face of day, and in the face of strong critics before him and under the criticism of the public newspapers. Now, that in itself was something that recommended itself to them as more than the mere pedantry of liking an old institution. It was necessary that the Judge should, in open daylight and criticism, make himself master of everything, and bring to the comprehension of 12 men the facts bearing on the guilt or innocence of the prisoner. Now, if that were the feeling of the spectator, what was the feeling of the Judge? The principle of the jury cleared his mind, and placed him in a position of comparative impartiality as regarded the prisoner. The prisoner, too, derived immense gain from this institution. His advocate was not dependent upon the Judge, but upon the Judge and the jury, the former being kept in check by the latter—and sometimes the Judge required to be kept in check. The Judge, in the presence of the jury whom he had to direct and preside over, was very much on his good behaviour in regard to due attention to the fairness and justice of the case before him. Now, if these were substantial reasons for the maintenance of the institution, what was there at present which justified its abolition? In the clause before the Committee the Government abolished also that which was a portion of the same system—namely, they abolished for the time being the Grand Jury. Why that should be done he did not know. He did not know why that should not exist, even without trial by jury; but this was a point which, he trusted, would be brought before the Government at a later period. The existence of the Grand Jury was of great importance, because there again the Judge, in the preliminary stage, had to marshal the facts and state them to the jury. All this was to be put an end to in Ireland for three years. What a confession was that for us to make, that we, a people who boasted of our free institutions, could not govern a troubled country by those institutions! That was the most painful admission that could possibly be made by a Liberal Government, or by a Parliament, including Liberals, representing the people of the country—that they could not govern a troubled country by free institutions. It was the greatest justification for all that done in other lands—this example and confession from the great source of liberty that we could not manage things except in the manner taught us by Russia or other despotic Powers. He sincerely trusted that as they went on with this Bill, they would find growing paler and paler this idea in the Abolition Clause that headed the Bill—that it would become so faint on the minds of Ministers, that, even if it did leave the House as a part of the measure to receive approbation in "another place," it would never be used, but lie in the armoury of rusty weapons, never to be taken down for action. But if it was determined that they were to do away for the nonce with this old institution of trial by jury, then they could only lament their want of power to gainsay those who were going headlong and headstrong upon the uprooting of that which had always been the feeling, and ought always to be the feeling, of England.

Mr. DILLON said, the proposal was of two parts, one dealing with crime, and the other with the political action of the people; and if the Bill were really intended for the repression of crime, and if it were honestly meant to put down crime, it would not interfere with political action. He wished to say a word, first of all, as to the action of the Government in regard to treason and treason-felony. Whatever question might exist as to the chance of impartiality amongst the Judges of Ireland in dealing with ordinary crime, no question, to his mind, could exist as to their partiality in dealing with treason and treason-felony. Although English Members, and people who had lived in England all their lives, and had never been in Ireland, might say that this was an extreme view, and might attempt to persuade, or allow themselves to be persuaded, that Irish Judges were impartial in matters of treason-felony, he thought that even they would be prepared to admit that it was a very serious question, or a very serious consideration, what the Irish people themselves thought of the matter? Even the most extreme men would admit that it was a terrible thing that criminal jurisdiction should be placed in the hands of men who were believed by nearly the whole of their countrymen to be partial with respect to the crimes they were to try. He did not believe that any man who knew anything of the Irish people, whether he were Tory or Whig, or Liberal or Nationalist, had in his inmost mind the least doubt of the fact that the Irish people believed that the Judges were partial on political questions. The Judges were nearly all of them men who had graduated in that House to the Irish Bench, and his own honest conviction, which he had gathered from the Irish people, was that the most impartiality was to be found amongst those Judges who had been Tories and Protestants from the beginning. If they were to ask who were the most impartial men on the Irish Bench, perhaps the first that would be mentioned would be Mr. Baron Fitzgerald, who had followed out the principles he had always professed, and had always shown more impartiality than most of the Irish Judges. But, even at the risk of doing an invidious thing, he was bound to call the attention of the Committee to the fact that a large number of the Irish Judges had declared, in the political harangues they had delivered on the Bench, their bitter prejudice against those who thought with himself and those who were engaged in the Land League agitation, and he declared that he was convinced that every man who went before the Irish Judges to be tried for any crime, especially for any political crime, the fact of his being a Land Leaguer would go a long way towards condemning him. It might be said that that was not true; but the Irish people believed it to be true, and they had heard Irish magistrates, before judging cases, over and over again ask in open Court—"Is this man a Land Leaguer, and has he paid his rent?" Who could doubt what was the object in asking that question? Chief Justice May, Mr. Justice Fitzgerald, and a right hon. and learned Member of the House (the Attorney General for Ireland), who would probably soon be a Judge, had over and over again expressed their conviction that the hon. Member for the City of Cork (Mr. Parnell) and himself (Mr. Dillon), and others, were steeped in treason, and that their whole movement had been based on treason from beginning to end. If he or his Friends, therefore, were to be put on their trial for treason-felony before an Irish Judge, their case would be prejudiced, and the only question would be as to what their punishment should be, because the Judges had expressed the opinion that their conduct was treasonable. Therefore, by persisting in their proposal for the abolition of trial by jury, the Government took away from the Irish people the last shred of an idea that there was any justice in this matter at all, or that there was anything to stand between the Crown and the subject. Punishment for treason and treason-felony was for the future to be an Executive and not a Judicial act, and there was not a man in Ireland who would not believe that the Judges would be required to go to Dublin Castle to get their instructions as to who they were to convict. ["Oh!"] He was not saying that he believed that; but was saying what the Irish people would believe. There was another point he would put before them as to this clause. The Committee knew that they could try all cases of political offences by special juries. They knew the class from which special juries were drawn in Ireland—that it was from a class supposed to be most sympathetic with the Government in everything that touched on treason. They knew that the great mass of the people, perhaps four-fiths, were absolutely excluded from serving on the special juries. What, then, did the Government admit by denying the right of trial by jury for treasonable offences? They admitted that they did not dare submit the trial of treason to the upper classes in Ireland; they admitted that the vast majority of the Irish people were sympathizers with treason, and said that they dared not leave the trial of treasonable offences to the upper classes. If they passed this clause they issued a proclamation that four-fifths of the Irish people hated their rule, and that they despaired of getting convictions for treason except through a body of salaried Commissioners. This was not his statement; but any foreigner who studied this clause would be forced to come to that conclusion; and the Government themselves, by passing it, were simply issuing that proclamation. It was hardly necessary for him to repeat what had been said so often—that they had not brought anyone to trial for treason or treason-felony for 13 years. So far, therefore, from their being able to say that there had been a failure in trials for treason and treason-felony, no trial for such an offence had occurred for 13 years. So far as there had been trials, they in Ireland believed that there had, undoubtedly, been a miscarriage of justice, but a miscarriage in an opposite direction to that alleged by the Government. They believed that in the trials which had taken place very numerously, 13 or 14 years ago, a number of innocent men were punished owing to the anxiety of the "closely-packed" juries to convict. No one could go over the history of these trials without being obliged to admit that no one against whom there was a shred of evidence escaped. He had himself gone over the history of the trials, and he was convinced that persons were frequently convicted of treason and treason-felony on evidence upon which no honest jury would have convicted a prisoner of any other crime. This Bill was brought forward, based on "Moonlight" outrages; and, under cover of dealing with such outrages and agrarian offences, every man in Ireland was to be placed at the mercy of the Judges in cases of political offences. But this was not sufficient for the Government; and he wished to know whether, if they succeeded in passing the clause in spite of the opposition offered to it, would they withdraw the Jury-packing Clauses? Was it possible that the Government were not content to leave the matter to the Irish Judges, but they must also have "packed juries" behind the Irish Judges in case those Judges did not do their work well enough? He wished to have either one thing or the other. He objected to "packed" juries, and he objected to trial by Judges without juries; and he objected doubly to having both together. The conviction was forced upon the Irish people, that supposing the Irish Judges acted fairly—and they might readily admit that they would do so in regard to ordinary crime—that the Government would fall back on the old system of jury-packing. He would say leave the present unaltered, or else drop juries. It had been said that this Act would be hung up like a rusty weapon in the State armoury, and would not be used. He had heard that kind of thing very often before; and, of course, he knew that an impression had been industriously spread abroad that everything was to be peace and conciliation between the British Government and the Irish people, and that when this Coercion Bill passed they would hear nothing more about it. He was sorry to say, from information he gathered from Ireland, that nothing could be farther from the truth. The condition of Ireland showed anything but a true policy of peace and conciliation, and it made the Irish Representatives more strenuous in their opposition to the Bill. He believed that if they allowed the Bill to pass, that it would be in full working order before six months were out. What was the good of talking of peace and conciliation in Ireland when men were being evicted every week by the score? This question of the condition of Ireland bore directly on this clause. If they thought the Bill was going to be placed in the armoury of rusty weapons, it might modify their opposition to it; but he was convinced that nothing of the kind would occur. From information he had got from Ireland, it appeared that the evictions last month—the month of May—were greater in number and more general than they had been in any month during the last 10 years. He should like to hear from the Chief Secretary to the Lord Lieutenant some information on this matter. If there was to be a policy of peace and conciliation, did it mean that they were to have, on an average, 200 families flung out of their houses every week? That was what was going on now. It was useless to suppose that they would not have outrage in Ireland whilst people were wandering through the roads of the country, homeless, in hundreds. The Government might find their hands pushed, as they had done in the case of the last Coercion Act. The opposition of the Irish Members to this measure was thoroughly justified by the condition of Ireland, because they believed that when it was once passed it would be used ferociously. As to the trial of other offences besides political offences enumerated in the Bill, he had had an Amendment on the Paper—which, he believed, was moved, in his absence, by the hon. Member for the City of Cork (Mr. Parnell)—to leave out murder and attempts to murder; and the ground on which he had brought forward that Amendment was, that if the Government were unable to bring forward a single case during the past five years of a miscarriage of justice in regard to such offences, the provision was unnecessary. He had looked over the report of what had occurred, and he failed to find that a single case of failure to convict had been mentioned. He asked, therefore, Was there a single parallel case of suspension of trial by jury of individuals, perhaps for their lives, on the plea of the failure of the jury system, without—when the Government were challenged to produce one—a single case being brought forward in support of the proposal? They had the preposterous speculation put forward that if they suspended the jury system, and substituted for it trial by Judges, they would have evidence forthcoming. He believed that no such preposterous argument had ever before been submitted to the House. His belief was, that if they did away with the present jury system, and substituted for it a system more odious even, they would find it infinitely more difficult to obtain evidence. Whatever evidence was forthcoming before would be withheld then. If there was terrorism in Ireland now, he did not see anything in trial by Judges to put an end to it. His opinion was, that if terrorism existed there would be substituted for it a sullen refusal to give evidence, not through terrorism, but through a dogged belief that the people were getting no justice, and that the Government might look after their own evidence and get it where they could. He was not prepared to say that in ordinary crimes the percentage of convictions would be in the least increased. The new law would demoralize the people, and show them that there was no justice for the poor man in Ireland. It would band them together in a sullen intention to defeat the law. The Government had means and machinery which they could use to produce evidence; but in cases of ordinary crime, where men's lives were at stake, he doubted if more evidence would be got than was obtained at present. Her Majesty's Government would not succeed in securing the confidence of the Irish people for the tribunal they were about to establish; on the contrary, they would probably succeed in bringing the law into greater disrespect. He thought, therefore, it was the duty of Irish Members to oppose this clause to their very utmost. He believed the clause to be the worst clause in the Bill, and he thought its provisions the most uncalled-for, the most unnecessary, the most utterly useless, and of a kind in support of which the Government had not adduced one single argument in the course of the debates.

MR. TREVELYAN said, he should not detain the Committee long on a question which had been so thoroughly discussed, especially as so many of the speeches delivered in the course of the debate were second-reading speeches. But it was impossible to allow the observations of the hon. Member for Newcastle (Mr. Cowen) to pass—as was generally the case—without saying a few words in reply to them. In the first place, the hon. Member began with something like an attack on the people of Ireland, saying that they had a sympathy with crime, and that that sympathy was caused by their ancient and cruel Land Laws. It was evident, from the hon. Member's speech, that the only method of dealing with crime in Ireland was by remedial measures. Her Majesty's Government had tried remedial measures; and if remedial measures would diminish crime, crime in Ireland ought to have been diminished. But, what was the fact? The fact was, that in the first five months of this year outrages of an agrarian nature had risen to 2,275, as against some 1,400 outrages in the first five months of the previous year. He would not trouble the Committee for the third or fourth time by going through the other arguments in favour of this clause. The best arguments he could adduce were some extracts from the Blue Book of the Lords' Committee. Nor would he trouble the Committee by giving further statistics of unconvicted crime. It was enough to say that, in one single year, out of 210 incendiary crimes only 14 criminals were brought to trial, and of these 13 were acquitted; of 67 cases of firing into dwelling-houses only eight criminals were brought to trial, and in no single instance was a conviction obtained. It was demanded what was the reason why, in these cases, 13 and eight men respectively only had been brought to trial? He ventured to give the Committee the reasons in general terms. He found his general statement was borne out by the statement of a man learned in Irish law. He would give one single instance in the Blue Book of a case in which an excited crowd pursued some bailiffs with a murderous intent; these bailiffs took refuge in the police barracks; the crowd was excited and murderous; there was a good deal of stone-throwing and fighting with the constabulary; four men were taken up, seized red-handed. They were put upon their trial, and acquitted by the jury. "In consequence of that," the Crown Solicitor said—

> "We gave up trying any more of the cases, and we applied to the presiding Judge, Baron Deasy, who is a very mild Constitutional Judge, to postpone them. The learned Judge said he could not shut his eyes to what was passing around him, and he did adjourn them."

That was what had happened all over the country. Cases were not brought forward, because to bring them to trial would be simply a farce. But the fact was, his hon. Friend the Member for Newcastle did not care for statistics, and he thought he had disposed of the question by saying that the tribunal of Judges about to be erected would not convict without evidence any more than juries. What a free-and-easy method was that for disposing of an immense amount of evidence which showed that juries in Ireland would not convict! They were challenged to bring a single instance of juries refusing to convict on good evidence. He would give the Committee one or two instances. The first was a case in which three men attacked a house at night near Tralee, with their faces blackened and disguised; they were knocking at the door, calling to have the gun brought out. While they were engaged in this operation three policemen came up, and the head constable instructed his men each to capture a person. He himself captured his man, and held him; the other two persons escaped. One of them—at least, a man who was said to be one of them—was taken a short time after near the place. He was put upon his trial, and along with him the man whom the head constable detained. The man arrested by the head constable had been taken to the barracks, and there was no doubt about his having been there, engaged in the commission of the offence. Both men were put upon their trial together; "and," said Mr. Justice Lawson—

> "I took it for granted that the jury would probably acquit the man who was not taken in the actual commission of the offence; and that, as a matter of course, they would find the other man guilty, for whom no sort of defence could be suggested; but, to my astonishment, they acquitted them both."

In that case the accused person was caught red-handed. Mr. Justice Lawson said to the jury—

> "This is the man before you now whom the constable caught at the door and took to the barracks; he has been brought from the barracks here, and there he is before you."

That was of no avail whatever. When the verdict was announced, the Court-house rang with applause from the supporters of the prisoner. "I was informed," said Mr. Justice Lawson—

> "That on the way from the Court-house the men were followed by a shouting multitude, who cried out, 'We knew they would not dare to find you guilty!'"

Then there was another case. A dispute arose between two persons, living in the same house, as to who should be master of the place. One struck the other with a sweeping-brush. He fell on the floor and remained insensible till the next day, when he died. The jury acquitted the party on the allegation that the deceased might have fractured himself by the fall. The hon. Member for Newcastle absolutely declared in that House that, in consequence of there being no evidence to bring before juries, the Government would manufacture it. Now, there was nothing which shocked him so much in that House as to hear the cruel things said of certain of the police who had contrived to get effective evidence in some of those cases. It shocked him much, and, he might say, it surprised him more; because several hon. Gentlemen in that House, speaking in the course of this discussion, had told them—and he did not say there was no truth in the suggestion—that the Government ought to improve this detective organization. But, he asked, what was the use of telling them on one day that they ought to improve their detective organization, and on the next, when, perhaps, the Secret Service Vote was discussed, to come down to the House and cast the most cruel invective upon successful detectives? But it was not against the detective system only that the hon. Member for Newcastle used such strong and bitter words. He said, if the Judges undertook this office, which he so much disapproved and which he almost despised, they would incur the bitter hatred of the Irish people. He said that the Viceroy and officials in Ireland needed to go about in public protected, and that if the Judges undertook this office and carried it out strenuously, they would excite against themselves a hatred as bitter as that which now existed against the other officials in Ireland. But the Judges of Ireland were brave men, and were, no doubt, willing to incur danger of that sort. For his own part, he should be proud of nothing so much as coming forward in a time of danger and showing he did not mind being a mark even for assassins. But not for one moment did he believe that that would be the consequence to the Judges, however bravely they might act. The country had given so much to all, that at a time like the present, they could afford to do something for the country. His hon. Friend talked about the terrible and cruel persecutions of the Radicals in Scotland in 1819, and at a still earlier date, and told a story of the heartless manner in which the Scotch Judges talked amongst themselves. But those gentlemen who sat on the Irish Bench had as little in common with the Scotch Judges, who tried Muir and Palmer, as with Jeffreys himself. Mr. Justice Fitzgerald, speaking of a case in which a man was acquitted very much against the evidence, said—

> "To my surprise, in that case, after giving proper instructions to the jury, they turned round and acquitted both the prisoners, and acquitted them with loud applause in Court. I observed, myself, that the applause came from a particular direction, and that was the place set apart for jurors in waiting, and that the applauders were the jurors in waiting. Upon that occasion I addressed some very strong remonstrances to them, which have clearly been interpreted as words of menace; whereas, they were words of warning only. I told them that if that kind of thing went on, it would lead to the suspension of trial by jury."

He believed that the hon. Member for Roscommon (Dr. Commins) compared this Commission with the Court of High Commission in Cromwell's time; and he (Mr. Trevelyan) supposed that the present Commission would, in course of time, come to be called by a similar appellation. But when the hon. Member for Roscommon told them that liberty would disappear from Ireland, and when the hon. Member for Newcastle (Mr. Cowen) told them that he was in favour of liberty, he would like to know what liberty there was in Ireland? He wished the hon. Member for Newcastle would read a little more recent history, and follow the details of these outrages in Ireland, and then he would see how many of them consisted of outrages perpetrated on men whose only crime was that they had ventured to pay their rent. And then the hon. Member said that, sooner than destroy that kind of liberty, they had better tolerate crime. The hon. Member for Roscommon said that many men who had private grudges against others would satisfy their ill-feeling by bringing them before the Special Commission Court. He did not think there was much probability of that course being resorted to. He would now give the Committee the particulars of a case which happened at Clonmel in the spring of 1880. The Crown Solicitor, in his evidence before the Lords' Committee, in referring to this case, said—

> "This is a case where the two Ryans—father and son—were tried for the murder of a young man. They were all tenants of a Mr. Lyster for a bit of cut-away bog or moorland. There was some dispute between them about it, and on a particular Sunday they had been to Mass together at a neighbouring chapel. They lived close together. Their way home lay along the same road. They travelled from the chapel and turned up to their house in common with some

> 20 people coming from Mass. The two Ryans turned up the bye-road to their house, and immediately after the murdered man turned up the same road. They had scarcely got into the bye-road when the 20 people from whom they had parted heard screams and cries of 'Murder!' and 'For God's sake don't murder me!' and that sort of thing. They rushed back, turned up the lane, and found the young man stabbed to death, and saw the two Ryans running away from him. The jury acquitted the prisoners. The evidence was wholly uncontradicted."

Now, he believed that any person in Ireland, who, as the hon. Member for Roscommon had suggested, had a grudge against a neighbour, would find better opportunities, so to speak, for carrying out his revenge against his enemy than by bringing him before the tribunal. Again, Mr. Justice Lawson said, in his evidence before the Committee of the House of Lords in 1881, after speaking of some parts of Ireland—

> "In other parts of Ireland it is absolutely impossible to obtain a conviction now for offences connected with any agrarian matter."

These were the reasons why so few persons, apparently, had been brought to trial. He had listened carefully to the speech of the hon. and learned Member for Stockport (Mr. Hopwood), interesting as his speeches always were; but neither did that hon. and learned Member, nor any other speaker in the course of this debate, attempt to face the difficulties of the situation, or attempt to deal with this absolute denial of criminal justice in Ireland. As an English lawyer, if the hon. and learned Member went down to the Assizes in this country, he was accustomed to find the whole public opinion exerted against acts of criminality; and it appeared to him that the hon. and learned Member was unable to place himself in the position of understanding the feelings of persons in Ireland who had lost, perhaps, a near relation, and had no means of getting justice. But to secure justice in Ireland was the end which the Government must and would accomplish.

Mr. PLUNKET said, he had not spoken often during the progress of this Bill; nor should he have spoken now but for the statement which had fallen from the hon. Member for Tipperary (Mr. Dillon). He wished, however, to say, once for all, that if those who represented Irish Conservatives in that House did not take a greater part in these discussions, it was simply because they did not desire unduly to protract them. He need not assure the Committee that he should speak as briefly as possible on the present occasion; but if what had fallen from the hon. Member for Tipperary were allowed to pass without challenge by him, he should consider that he had failed in his duty. The hon. Member said there was no Irishman in that House, whether Liberal or Conservative, who would not agree with him that the Irish Judges, in exercising their functions under this Bill, would not command the support of the Irish people, or secure their confidence. Of course, if he sat quietly hearing such statements as that, it might be supposed that he (Mr. Plunket) joined in that opinion. But he ventured to say there were hundreds of thousands of people in Ireland who had the utmost confidence in the Irish Judges; and, further than that, he would say there were few, indeed, in Ireland who would not have confidence in the Judges for fair and impartial conduct throughout, were it not for such language as was frequently heard in that country, and of which they had had a faint echo that evening, concerning the Irish Judges. The hon. Member for Tipperary said that the Irish people would believe that the Judges would go to Dublin Castle and receive their orders as to whom they were to condemn. Now, he asked, who ever before heard such a statement put forward by a public man, on an important occasion, with regard to Judges who performed duties without which society could not exist? The hon. Gentleman did not say that was his opinion; he did not go a step further and say "that is not my opinion;" he did not denounce that opinion. It was because such statements were put forward, if not with sanction, with toleration, because they were not denounced that there was any want of confidence in the Irish Judges, and it was by such teaching as that it had become necessary to pass a Bill into law depriving for a time the people of Ireland in certain cases of trial by jury. There was one other topic which had presented itself prominently that evening. He would not go over the whole ground which had already been covered, but would say a few words as to the objection which had been raised to the inclusion of treason as a crime to be dealt with by this scheme; and, more especially, the vigorous and resolute attempt which had been made to exclude from the purview of this clause those who might wish to be sufficiently loyal at home to escape the penalties of treason, but who would come within the range of this clause by their doings abroad. Hon. Members, speaking on that clause, adduced some instances of what might happen in America, and scenes had been described which might possibly take place at public meetings in that country. It was said, if a speaker attended a meeting, and some person there made use of treasonable expressions, any Irish subject of the Queen who took part in that meeting would be held responsible for what was thus said. But if those charges were unfounded, and if the gentlemen who took part in those meetings were supposed to be loyal subjects of the Queen, if those charges and imputations were false, there would be ample opportunity of disproving them. But he asked, if gentlemen did go or did attend these meetings and took the part described, if they stood by and heard those expressions used, and counsels given sometimes falling little short of incitements to immediate invasion of the country, and the upsetting of the Government established here, what position would they place themselves in? They fell into one of three classes. Either they did agree with or approve the tendency of those expressions and the feeling which they worked up, or they did not. If they agreed in them, and in the working up of that feeling, and the gathering in of the dollars which resulted from it, on what principle did they claim to exempt themselves from the penalties of treason when they came back to this country? On the other hand, it was possible they did not share those treasonable opinions. Then, he said, they were working up those feelings, and gathering in those dollars on false pretences—that was to say, supposing they never intended to bring it to actual and open treason against this country. But there was a third class into which they might fall. Perhaps they thought that open treason just now in Ireland and in the Three Kingdoms would not be safe; but that, nevertheless, it was a good thing to go out to America and keep up the enthusiasm existing there and to continue to gather in the money. Then he put it in this way. Could there be anything more insane than that the Government should tolerate that policy, and allow an impression to be produced upon the Irish people that it was the view of the Government that as long as Members of Parliament were cautious and reticent at home, they might go to America and do what they pleased without bringing themselves within the purview of the Law of Treason? He wished to know how, with these things, loyalty could continue to exist in Ireland? Of course, a Government which allowed such things to go on could not expect that the people would long continue to believe in their own policy at all. He thought the argument against the alteration of the clause could be put in a nut-shell. Either the Government must effect a radical alteration in the Law of Treason as it existed in this country for the purpose of facilitating such operations abroad as he had described, or else the only alternative was that treason should be altogether excluded from the purview of this clause, and from the operation of the Bill. He would not go further with any of the other arguments in favour of the clause; but he was bound to confess that he had heard nothing in the discussions which had taken place to remove from his mind the painful conviction that, without such exceptional powers as were demanded in this Bill, it was impossible to cope with the tremendous difficulties which the Government were now encountering in Ireland.

Mr. PARNELL said, it was a remarkable fact that whenever there was any dirt or abuse to be cast upon Irishmen, an Irishman was always found ready to do it with greater zest and greater zeal than any other man. He could recollect the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket) heaping abuse in the House upon a distinguished and honourable Irishman. He remembered when he justified his right to vote against the admission of the late Mr. John Mitchel as Member for the county of Tipperary, on the ground that he was a dishonourable felon. No Englishman or Scotchman made such an allegation as that in the course of the debate; but it was reserved for an Irishman, the right hon. and learned Gentleman the Member for the University of Dublin, to attempt to heap dishonour upon a man as honourable as himself. The right hon. and learned Gentleman looked forward with the highest expectation to the passing of this Bill into law, and supposed that when it was passed he and his class would have everything in Ireland under their thumb; that they would be able to take up an attitude of hostility to the just claims of the Irish tenant farmers. That was what was really involved in this question; that was what was really involved in all these demands for coercion, which first of all commenced upon the Opposition Bench, and then were taken up by the Metropolitan Press and forced on the Liberal Ministry. The Conservatives knew that upon this extraordinary power, these unfair advantages, these unjust laws, depended their power to claim unjust and exorbitant rents from the Irish tenantry. During the last winter, the Land Act had been helped, in many cases, by the landlords, who made settlements out of Court; and he believed the number of those settlements out of Court was about equal to the number of decrees, or the number of judicial rents fixed by the Court; and, admittedly, upon those settlements out of Court, which were arrived at by mutual arrangement between landlord and tenant, must depend the future success of the Land Act. If those settlements were put a stop to—the prospect of which the Prime Minister spoke the other day, that 50,000 or 60,000 judicial rents would have been fixed by the end of this year—if those mutual arrangements were stopped, the landlords would be thrown back on what they believed to be their distinct rights, and which, according to their view, had been unjustly assailed by the Land Act; and so would be put an end to this process of mutual arrangement, which had been going on for the last six months, to the extent of 60,000 settlements out of Court. It would also stop the arrangements which had been largely made for temporary abatements pending decisions by the Land Commissioners; and there was not the slightest doubt that the great joy with which the class represented by the right hon. and learned Gentleman the Member for the University of Dublin hailed this measure of coercion was due to the fact that they believed they would be able to exact, during the coming autumn and winter, their full pound of flesh, without reduction or abatement. He (Mr. Parnell) could not help sympathizing with the Chief Secretary upon the speech he had delivered that evening; for the right hon. Gentleman seemed to him to wish that he could have had some other task as one of his duties, in taking up the high and important and responsible Office which he had to fill, than the impossible task of defending coercion; and as the right hon. Gentleman trotted out all the well-worn and stale arguments which so many of his Predecessors had produced, only to find them utterly falsified by the results, he could not help sympathizing with the Chief Secretary in the really disagreeable and odious task, which he was sure the right hon. Gentleman felt his present task to be. The right hon. Gentleman gave some examples of evidence, extracted from Blue Books, to justify the claims of the Government for the suspension of trial by jury; but when he asked for dates, the right hon. Gentleman was unable to give them.

Mr. TREVELYAN: I do not wish to interrupt the hon. Member, but the real fact is that I have discovered the dates. The first case I gave was in 1880, and the three other instances were at the Summer Assizes in 1881.

Mr. PARNELL said, he was willing to give the right hon. Gentleman all the credit which his argument might gain from the discovery of the dates, but that did not amount to much, because his heart could not have been much in his work, since he had not thought it necessary to take the trouble to obtain the full information with regard to these offences which he had brought before the Committee. This was a curious and instructive circumstance. The right hon. Gentleman was heir to the mistakes of his Predecessors, and he was obliged to take up the task of governing Ireland where he found it. He (Mr. Parnell) could not see how the Chief Secretary could hope for any greater success than his Predecessors had achieved. He had now to try a still worse and still more severe Coercion Bill than the one which would expire next September. He was about to try a measure which would make the enforcement of law and order still more—he did not wish to say—repugnant to Irishmen; but, depend upon it, the more the Government introduced measures of this kind, the more indifferent the people would feel as to the detection of crime. The hon. Member for the county of Tipperary had said, the other evening, that the Irish people sympathized with crime.

MR. DILLON: I said that, doubtless, there existed some sympathy with crime in Ireland.

MR. PARNELL accepted the correction; but he thought that was scarcely the correct way to describe the situation in Ireland. It was rather that the law had been so unfairly used, that it had been so obviously twisted and diverted, that the Irish people were indifferent as regarded the detection of crime and the enforcement of the law. It was because all the exertions of Parliament had been directed to devising some further method of enforcing the agrarian rights of the landlords—some more stringent law—something entirely different from the laws that ought to bind Great Britain and Ireland together, that the people of Ireland had taken up this attitude—not of sympathy with crime, but of saying, when an outrage was committed—"Well, the law has never helped us, and we will now leave the law to help itself." Just immediately after the horrible murder in Phœnix Park there seemed a change in the feeling; there was a change in the feeling all over the world; and the people of Ireland undoubtedly ranged themselves on the side of law and order, and desired to detect the Phœnix Park murderers. That feeling spread to America, and money was subscribed in that country—thousands of dollars were subscribed in a few days for the purpose of offering rewards for the detection of the murderers. But immediately after the Government introduced this Coercion Bill that feeling at once stopped. That was one of the first results of coercion. What was one of the next results? In the month during which there was a hope that the Government were about to change their policy agrarian outrages diminished by some 70 or 80. In the fortnight following the introduction of this Bill that diminution ceased, according to the Chief Secretary's statement. He did not know whether that diminution had been maintained, or was still checked; but it was the simple fact that in the month of April the more serious classes of agrarian outrages showed a very remarkable diminution. He believed it would be seen that in the last month, although that diminution had been increased, it had yet been maintained, and that there was still an absence of the more serious forms of crime. Had it not been for the introduction of this Coercion Bill, and the feeling of exasperation which it had aroused in Ireland, there would have been a still more marked diminution of agrarian crime, and especially in that of a more serious character. The Chief Secretary had told the Committee of the great increase in the number of outrages during the first four months of this year, as compared with the first four months of last year. He had stated that they had nearly doubled in number, but he did not state that the evictions had been quadrupled. There was a remarkable relation between the proportion of outrages and of evictions. It was said by some hon. Member the other day in the House that the agrarian crime had not been largest where there had been the greatest number of evictions, and that was undoubtedly true; but agrarian crime did not necessarily follow eviction. On the contrary, crime more often preceded eviction. Agrarian crime in Ireland was not apparently undertaken by evicted people, because they had no means of undertaking it. They were thrown on to the roadside and into the workhouses, and were starved. Agrarian crime seemed to be undertaken by people in order to prevent evictions and to deter landlords from evicting. Evictions might and had come all the same; but, undoubtedly, in some of the districts where agrarian crime had been most excessive evictions had been least numerous; and what sort of a lesson was it that the Government wished to teach Irish people? That to avoid eviction they must commit outrage. That was the lesson taught by making this Coercion Bill precede the Arrears Bill. If the Government had proceeded with the Arrears Bill, and given the tenant farmers some hope that they would be able to maintain the roofs over their heads until they could get the value of the beneficial Act of last Session, they would have done more to stop agrarian crime and to help the large majority of people who desired the restoration of law and order than all the Coercion Bills could do. The right hon. Gentleman said that general challenges had been made in that House by some of the Irish Members for a statement as to in what respect juries had failed in their verdicts. They gave no general challenge, but only in regard to cases of treason and treason-felony. They admitted that in some cases juries had failed to return verdicts in accordance with the weight of evidence; but in regard to the more serious crimes, they challenged the Government to produce specific cases of failure, and their challenge remained unanswered to that day. The Attorney General had not been able to give a single instance. He mentioned one instance of murder, which, however, he did not believe was of an agrarian character, although he was asked to give agrarian cases. He was so utterly unable to give an instance of murder in which a jury had failed to return a verdict in accordance with the weight of evidence that he was obliged to seek another case of murder which was not agrarian, and which was not of the kind it was proposed to try under this Act. The Irish Members did not consider that the evidence given before the House of Lords' Committee could be relied upon. That Committee was appointed with the object of discrediting the Irish jury system; but it failed to do so. Witnesses were called for that purpose, and the loose statements which had been put together by prejudiced witnesses, with the object of discrediting the Irish jury system, were not entitled to receive weight. The inquiry was undertaken in "another place," and without any Representative on the Committee for the other side of the question. There was no public Representative whatever upon that Committee; and if the Government wanted to take away the jury system in Ireland, they might, at least, have appointed a Select Committee of the House of Commons this Sesssion which might have contained Representatives of the different sections of the House. Upon the Report of that Committee they might have founded their claim for the abolition of trial by jury. It was said that hundreds or thousands of people in Ireland had confidence in the Irish Judges. [Mr. PLUNKET: I said hundreds of thousands.] There might be hundreds of thousands who had confidence in the Irish Judges as Judges, in ordinary cases; but he did not believe there were many thousands who had confidence in the Irish Judges as jurors, and it would be rather hard to expect any large number of persons to have confidence in the Irish Judges as jurors, when the Irish Judges had no confidence in themselves as jurors. They had held a meeting at which they unanimously agreed in objecting to the work to be now thrown upon them. They had expressed in decided terms their belief in their unsuitability to administer this Act and to be turned into jurors. Therefore, how could the people have confidence in the Judges as jurors? The Committee was about to divide upon a very important clause; but he did not suppose that if such a proposition as this had been brought forward for England, it would have been allowed to be decided until it had been debated for many days and nights. A Ministry which had ventured to bring such a proposal forward for England or Scotland would not have remained long without impeachment. The Government were now going to subject the lives and liberties of everybody in Ireland to servants of the Crown; but they must not forget that the very foundations of the English Constitution were involved in this proposal. They might think little of suspending every Constitutional liberty in Ireland; but as they went on they would find they had made a mistake in each succeeding Coercion Act, and that in this Bill they had made the greatest mistake of all. Since they had entered upon this downward path he feared they would soon be coming again to Parliament, in the course of another year, for yet more stringent powers—perhaps Martial Law—and the same old story would be repeated, that agrarian outrages had increased, and the maintenance of law and order in Ireland was still more difficult. But, at least, the Irish Members would have the satisfaction of knowing that they had done their duty. They would remember that they had told the Government on the passage of this Bill, as they told them upon the Bill last year, that the result would be that outrages would increase; that the disregard and want of sympathy among the Irish people for the maintenance of law and order would increase; and that the possibility of bringing the two countries together, and having Ireland as well governed as it ought to be would grow greater; and, perhaps, the Government might then agree that the quicker method, after all, would be to allow the people of Ireland to govern themselves.

Question put.

The Committee *divided*:—Ayes 227; Noes 39: Majority 188.

AYES.

Acland, C. T. D.
Acland, Sir T. D.
Alexander, Colonel
Allen, H. G.
Armitage, B.
Armitstead, G.
Asher, A.
Ashley, hon. E. M.
Aylmer, J. E. F.
Balfour, A. J.
Balfour, J. B.
Balfour, J. S.
Baring, T. C.
Barttelot, Sir W. B.
Bass, H.
Beach, rt. hn. Sir M. H.
Bentinck, rt. hn. G. C.
Birkbeck, E.
Blennerhassett, Sir R.
Bolton, J. C.
Borlase, W. C.
Brand, H. R.
Brassey, H. A.
Brassey, Sir T.
Bright, rt. hon. J.
Broadley, W. H. H.
Brogden, A.
Brown, A. H.
Bruce, rt. hon. Lord C.
Bruce, Sir H. H.
Bruce, hon. R. P.
Buchanan, T. R.
Campbell, J. A.
Campbell, R. F. F.
Campbell-Bannerman, H.
Carington, hon. R.
Carington, hon. Col. W. H. P.
Cartwright, W. C.
Causton, R. K.
Cavendish, Lord E.
Chamberlain, rt. hn. J.
Childers, rt. hn. H.C.E.
Clifford, C. C.
Clive, Col. hon. G. W.
Coddington, W.
Collins, T.
Compton, F.
Corbett, J.
Corry, J. P.
Cotes, C. C.
Courtney, L. H.
Creyke, R.
Crichton, Viscount
Cropper, J.
Cross, rt. hon. Sir R. A.
Cunliffe, Sir R. A.
Currie, Sir D.
Dalrymple, C.
Davenport, H. T.
Davenport, W. B.
Davies, W.
Dawnay, Col. hon. L. P.
Dawnay, hon. G. C.
Dickson, Major A. G.
Dilke, Sir C. W.
Dodds, J.
Dodson, rt. hon. J. G.
Douglas, A. Akers-
Duckham, T.
Duff, R. W.
Dundas, hon. J. C.
Ebrington, Viscount
Edwards, H.
Egerton, Adm. hon. F.
Elliot, G. W.
Elliot, hon. A. R. D.
Emlyn, Viscount
Evans, T. W.
Farquharson, Dr. R.
Fawcett, rt. hon. H.
Feilden, Maj.-Gen. R. J.
Fenwick-Bisset, M.
Ffolkes, Sir W. H. B.
Finch, G. H.
Fitzmaurice, Lord E.
Fitzwilliam, hon. H. W.
Fitzwilliam, hon. W. J.
Fletcher, Sir H.
Flower, C.
Foljambe, C. G. S.
Forster, Sir C.
Fowler, R. N.
Fry, L.
Galway, Viscount
Garnier, J. C.
Giffard, Sir H. S.
Gladstone, rt. hon. W. E.
Gladstone, W. H.
Goschen, rt. hon. G. J.
Gourley, E. T.
Gower, hon. E. F. L.
Grafton, F. W.
Grant, A.
Grant, Sir G. M.
Grantham, W.
Gregory, G. B.
Grenfell, W. H.
Gurdon, R. T.
Hamilton, J. G. C.
Harcourt, rt. hon. Sir W. G. V. V.
Hartington, Marq. of
Hastings, G. W.
Hay, rt. hon. Admiral Sir J. C. D.
Hayter, Sir A. D.
Herschell, Sir F.
Hibbert, J. T.
Hicks, E.
Hill, T. R.
Holden, I.
Holland, Sir H. T.
Holms, J.
Howard, E. S.
Howard, G. J.
Illingworth, A.
Inderwick, F. A.
James, Sir H.
Jardine, R.
Jenkins, D. J.
Jenkins, Sir J. J.
Johnson, rt. hon. W. M.
Jones-Parry, L.
Kennard, Col. E. H.
Kingscote, Col. R. N. F.
Lambton, hon. F. W.
Lawrance, J. C.
Lawrence, Sir J. C.
Lawrence, W.
Leatham, E. A.
Leatham, W. H.
Lechmere, Sir E. A. H.
Lefevre, right hon. G. J. S.
Lennox, Lord H. G.
Lloyd, M.
Loder, R.
Lopes, Sir M.
Macartney, J. W. E.
M'Garel-Hogg, Sir J.
M'Intyre, Æneas J.
Mackie, R. B.
Mackintosh, C. F.
Macnaghten, E.
Magniac, C.
March, Earl of
Martin, R. B.
Maskelyne, M. H. Story-
Monk, C. J.
Moreton, Lord
Morgan, rt. hn. G. O.
Morley, A.
Morley, S.
Moss, R.
Mundella, rt. hon. A. J.
Murray, C. J.
Newdegate, C. N.
Newport, Viscount
Nicholson, W. N.
Northcote, H. S.
Northcote, rt. hn. Sir S. H.
Norwood, C. M.
Palmer, G.
Parker, C. S.
Pease, A.
Pell, A.
Percy, Lord A.
Plunket, rt. hon. D. R.
Porter, A. M.
Portman, hn. W. H. B.
Powell, W. R. H.
Ramsay, J.
Repton, G. W.
Richardson, T.
Roberts, J.
Round, J.
Russell, Lord A.
Rylands, P.
St. Aubyn, W. M.
Samuelson, H.
Sclater-Booth, rt. hon. G.
Seely, C. (Lincoln)
Smith, E.
Smith, rt. hon. W. H.
Spencer, hon. C. R.
Stafford, Marquess of
Stanhope, hon. E.
Stanley, E. J.
Stewart, J.
Storer, G.
Talbot, C. R. M.
Talbot, J. G.
Tavistock, Marquess of
Taylor, rt. hn. Col. T. E.
Thornhill, T.
Tillett, J. H.
Tollemache, H. J.
Tottenham, A. L.
Tracy, hon. F. S. A. Hanbury-
Trevelyan, rt. hn. G. O.
Vivian, A. P.
Wallace, Sir R.
Walrond, Col. W. H.
Walter, J.
Warton, C. N.
Waugh, E.
Whitbread, S.
Whitley, E.
Wiggin, H.
Williams, S. C. E.
Williamson, S.
Willis, W.
Wills, W. H.
Wilmot, Sir H.
Wilson, I.
Winn, R.
Wortley, C. B. Stuart
Wroughton, P.
Wyndham, hon. P.
Yorke, J. R.

TELLERS.

Grosvenor, Lord R.
Kensington, Lord

NOES.

Arnold, A.
Biggar, J. G.
Blake, J. A.
Briggs, W. E.
Broadhurst, H.
Bryce, J.
Callan, P.
Commins, A.
Cowen, J.
Dillon, J.
Dillwyn, L. L.
Findlater, W.
Healy, T. M.
Hopwood, C. H.
Labouchere, H.
Lalor, R.

Lawson, Sir W.
M'Carthy, J.
M'Coan, J. C.
Macfarlane, D. H.
Martin, P.
Marum, E. M.
Metge, R. H.
Moore, A.
Nolan, Colonel J. P.
O'Brien, Sir P.
O'Connor, A.
O'Connor, T. P.
O'Donnell, F. H.
O'Gorman Mahon, Col. The

Parnell, C. S.
Rogers, J. E. T.
Shaw, W.
Sheil, E.
Sullivan, T. D.
Synan, E. J.
Thompson, T. C.
Webster, J.
Whalley, G. H.

TELLERS.
Leamy, E.
Redmond, J. E.

Clause 2 (Appeal from Special Commission Court to Court of Criminal Appeal).

Mr. DILLON said, they had to meet again at 2 o'clock to-day, therefore he thought it was time they should adjourn. He would move that the Chairman report Progress, and ask leave to sit again.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Dillon.*)

Sir WILLIAM HARCOURT said, that if the hon. Member would glance at the Paper, he would find that there were really no substantial Amendments to Clauses 2 and 3. Half-an-hour, he thought, would dispose of them; therefore, he hoped the Committee would be allowed to proceed.

Mr. T. P. O'CONNOR said, he hoped the Government would not resist the proposal of his hon. Friend. The Committee had been sitting since 5 o'clock, and had closely applied itself to the consideration of the Amendments brought before it. It had not wandered away from the questions at issue.

Sir WILLIAM HARCOURT said, that on Friday night they had not adjourned until half-past 1. He only asked for about half-an-hour, believing that Clauses 2 and 3 could be disposed of in that time. If hon. Members would look at the Amendments to those clauses they would see that they were not important.

Mr. PARNELL said, he hoped the right hon. and learned Gentleman would not be too hard on the Committee. It must be remembered that he was taking the Bill every day; that it would come on at the Morning Sitting to-day; that the hon. Members who opposed the measure were few in number, and that all the fatigue of the opposition—which was not a very grateful task—fell upon that few. It would be particularly hard to keep them up very late, as they were kept up on Thursday and Friday, seeing that they had to meet again at 2. The interval between 7 and 9 o'clock on the day of a Morning Sitting was no advantage to the Irish Members, although, no doubt, it might be to right hon. Gentlemen opposite, particularly the Prime Minister. He hoped the right hon. and learned Gentleman would see his way to allowing hon. Members to get to bed half-an-hour earlier than he had intended.

Mr. GLADSTONE said, that no doubt some consideration was due to hon. Members opposite. Of late the House had followed the practice of meeting on Tuesdays at 2 o'clock; but he had no doubt, if it were felt that that hour was inconvenient to hon. Members, it could be arranged to meet at 4 o'clock. He trusted, in the meantime, however, that the proposal of his right hon. and learned Friend (Sir William Harcourt) would be acceded to, which amounted to this—that they should go on with the Committee until they came to some serious point of difference in the Bill. His right hon. and learned Friend's belief, and his (Mr. Gladstone's) own belief, was that there was no serious point of difference in the 2nd or 3rd clauses. When they had disposed of Clauses 2 and 3, they would arrive at the important provision about intimidation; and he should think it would be of great advantage to hon. Members to know that when they met to-morrow they would at once commence the consideration of that material provision.

Mr. PARNELL said, it would be very much to the convenience of the Irish Members if the Business of the House to-morrow could be taken at 4 instead of 2 o'clock. They did not wish to interfere with the convenience of Her Majesty's Ministers; but it must be admitted that it was a great drag upon the opponents of the Bill to have to come down to the House at 2 o'clock after the present Sitting and the other late Sittings they had had.

Mr. GLADSTONE said, that, after what had fallen from the hon. Member, who, no doubt, spoke on behalf of a body of Gentlemen who had a considerable share of the labours of the House at the present time cast upon their shoulders, so far as he (Mr. Gladstone) was concerned, he should be willing to accede to the request that they should meet to-morrow at the usual hour—4 o'clock.

Motion, by leave, *withdrawn.*

Mr. GREGORY said, he had an Amendment to propose to confine the appeal to capital offences. He felt that this Amendment would supply a great defect in the Bill, for the proposed tribunal would be a very strong one, and, in his opinion, if there were no right of appeal in ordinary cases, would be quite as satisfactory as any trial by jury could be. If, however, there was a right of appeal in ordinary cases, there would be a danger that the Judges might be hasty, and in some measure be guided by their own prejudices, knowing that their decisions would be reviewed in the Court of Appeal. He did not see why, in the case of aggravated crime in Ireland, they should give a right of appeal, which was quite contrary to the law as it had hitherto been in force in the Three Kingdoms. There was practically no appeal in criminal cases at present. He was not sure that the clause as it stood would operate altogether in favour of a prisoner, because if the decision of the first Court was confirmed by the Court of Appeal, it would be very difficult for the Home Secretary to exercise the Prerogative of the Crown, however desirable it might be to do so. He begged to move his Amendment, the effect of which would be to take all punishments but capital punishment out of the right of appeal.

Amendment proposed, in page 2, line 16, after the first word "Act," insert "of any capital offence."—(*Mr. Gregory.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, the Government had made this proposal after careful consideration. They thought it desirable to give prisoners the safeguard of a right of appeal in all cases, and they could not consent to such a material alteration in the clause as that proposed.

Colonel NOLAN said, he had not heard much of the speech of the hon. Member for East Sussex (Mr. Gregory), owing to the conversation which prevailed in the House, and which always did go on at that hour of the night (12.35 A.M.). He had heard one point, however, and that was that the Irish Judges would be so totally inefficient and so prejudiced that they would give heavier sentences if there was a right of appeal—knowing that they would be reviewed by the Court above—than they would give if there was no right of appeal. He had heard a great deal said by the Irish Members about the Irish Judges; but he had never heard anything so strong as that. He was very glad the Government did not intend to give way, and would not shut out a prisoner's right of appeal in an ordinary case, because he felt persuaded that that right would be very important in a considerable number of instances. If any hon. Member could for a moment imagine himself in the position of having received 20 years' penal servitude, he would ask him whether he would not consider it hard that he should be shut out from the right of appeal to five Judges, when he had been, in the first instance, deprived of the safeguard of trial by jury?

Mr. GRANTHAM said, they should not lose sight of the necessity of expediting appeals. If they had appeals from the decisions of the three Judges in Ireland, no doubt, from the experience they had in England of appellate work, many months would elapse before any single case was brought to a conclusion. Under the circumstances, he thought it desirable that if there was to be a right of appeal in every case, some clauses should be inserted in the measure for expediting the ordinary course of appeal, so as to benefit the prisoner, by letting him know as soon as possible whether the sentence on him was to be carried out or not, and, what was of as much importance, so as to insure the speedy punishment of crime; otherwise it would be considered that crimes could be committed with impunity.

Question put, and *negatived.*

Mr. PLUNKET said, that, in the absence of his right hon. and learned Colleague (Mr. Gibson), he wished to move certain Amendments to limit the power of appealing from the Special Criminal Court to the Court of Criminal Appeal to convictions, and to strike out the power of appeal as regarded sentences. His reasons for bringing forward the Amendments were, in the first place, that to give an appeal against a sentence was an entire innovation in the law of the Three Kingdoms. He did not know any instance in which a sentence was subject to appeal; and, certainly, it seemed to him that where the Judges were dealing with these grave cases, it would have a most injurious effect if their sentences were subject to appeal and review by another Court. He hoped the Committee would accept the three Amendments down in his right hon. and learned Friend's name, which were consequent one on the other, and which, if accepted, would make the clause read thus—

> "Any person convicted by a Special Commission Court under this Act may, subject to the provisions of this Act, appeal against the conviction to the Court of Criminal Appeal hereinafter mentioned," &c.

Amendment proposed, in page 2, line 17, leave out "either."—(*Mr. Plunket.*)

Question proposed, "That 'either' stand part of the Clause."

Sir WILLIAM HARCOURT said, there were two reasons why the Government could not agree to this Amendment. If the right hon. and learned Gentleman would look at the Bill he would see that the Appeal Court could hear new facts and take fresh evidence, and it was plain that that fresh evidence might very materially modify the sentence. Take, for instance, a case of aggravated assault. It might happen that when the case went up to the Court of Appeal evidence of great provocation might be tendered which was not offered at the original trial; and that would very largely diminish the sentence that ought to be pronounced. It was plain, then, that as the Court could hear new facts, it might have a new condition of things to deal with. It was necessary that the word "sentence" should be retained in the clause; nor was it at all disparaging to the Judges, who were Judges both of law and fact, that their sentences should be reviewed. When they dealt with the decision of an Equity Judge on appeal they dealt with his decision as to amount, because he was the Judge not only of questions of law, but of questions of fact. This would, he thought, dispose of the Amendments down in the name of the Colleague of the right hon. and learned Gentleman, even the one which referred to new trials. A new trial would be inappropriate. Who were they to send a case down to to be re-tried; to the three Judges who tried it before? Clearly not, because ordinarily when there was a new trial there was a new jury; but here they could not depend on that. The new trial, in point of fact, was the case before the Court of Appeal. The Court of Appeal would hear all the facts which the Court below heard, and as many additional facts as might be brought before it. It would be a saving of time that the Court of Appeal should finally give the sentence that, in their opinion, the Court below ought to have pronounced.

Mr. GRANTHAM said, that the argument the right hon. and learned Gentleman had brought forward with regard to a case of aggravated assault was hardly applicable. If there was evidence to warrant an alteration of the sentence, that evidence ought to have been given by the defence in the original trial; and it was scarcely reasonable to suggest that a prisoner, who had only committed his offence, whatever it was, in self-defence, or in consequence of an aggravated assault upon him, should allow himself to be convicted by the magistrates or other tribunal without suggesting what would be either an excuse for, or an extenuation of, his offence.

Sir WILLIAM HARCOURT said, that evidence of provocation might be brought forward which could not be given in the Court below.

Mr. GRANTHAM said, it would be strange, if there was evidence of provocation, if it was not brought forward in the first instance.

Colonel NOLAN said, he hoped the right hon. and learned Gentleman (Mr. Plunket) was not going to persist in this Amendment. The proposal of the Bill was only what was done in cases of courts martial. The confirming authority had always power to reduce any sentence; and if they were going to have, perhaps not martial law in Ireland, but something not far removed from it, it would be desirable to follow the best rules of that law. He hoped the Government would not give way; and, certainly, if they were to go through the long list of Amendments to

Clauses 2 and 3 in this way, it would be well to report Progress and renew their discussion at the next Sitting.

DR. COMMINS said, the Amendment appeared to him to be utterly illogical, as the Home Secretary had pointed out. The appeal would be in itself a new trial. Where there was a new trial there should be power to take fresh evidence, and where there was power to take fresh evidence there should be power to alter a sentence.

SIR HARDINGE GIFFARD said, some of the arguments against the Amendment were mischievous. Let them see what they would come to. They could not lay down any rules as to sentences; therefore, in every case there might be an appeal as to the amount of the sentence, and the Court of Appeal might not agree with the Court below. They would have constant reviews of the decisions of the Judges as to the amount of sentence, which was entirely alien to our whole system of jurisprudence.

MR. PLUNKET said, he did not wish to put the Committee to the trouble of dividing; but he considered his Amendment so important that he could not withdraw it.

Question put, and *agreed to.*

MR. HEALY moved, in page 2, line 39, to insert—

"(5.) During the continuance of this Act a list of all persons sentenced under this Act, with a statement opposite each person's name of the date of his conviction and the grounds thereof, with the prison in which he is detained, and the names of the judges by whom he was convicted, shall be laid before each House of Parliament within the first seven days of March and August in each year if Parliament be sitting, or if Parliament be not sitting, then in the first seven days after the next meeting of Parliament."

He understood the Government were prepared to assent to the Amendment.

SIR WILLIAM HARCOURT asked the hon. Member to postpone the Amendment in order to bring it up amongst the Regulation Clauses at the end of the Bill. He quite agreed that such particulars as were specified in the Amendment should be laid before Parliament; but the Amendment was of such a character that it could not properly be considered under the Appeal Clause. Substantially they accepted the principle of the Amendment.

MR. HEALY asked leave to withdraw the Amendment.

MR. LEAMY asked the right hon. and learned Gentleman the Home Secretary if he would also give a list of the persons sentenced by the Court of Summary Jurisdiction?

Amendment, by leave, *withdrawn.*

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

MR. WARTON moved, in page 2, to leave out Clause 2. He hoped the Committee would grant him its indulgence, for this was the only Amendment he had put down to the Bill. He thought the Government would consider he was anxious to support them as far as he possibly could in passing the Bill; it was his duty, as a Conservative, to support the Government in the prosecution of this measure, though he felt bound to take exception to this particular clause. It was true that this was an extreme measure, but it was an extraordinarily good one. He could hardly conceive a better Court than one composed of three Judges armed with such serious responsibilities. From what he had seen of Irish Law Officers, to whom Parliament generally looked for the future Judges, he had every confidence in the Irish judiciary—in fact, when this Bill passed, he would not be afraid if his life were placed in the hands of three Irish Judges. The reason why he wanted to press this Amendment was that the Government had not given way on a single point. The clause was untouched by any division; but he must ask the Committee to pause for a moment, for really their object was not to pass the Bill with extraordinary celerity, but to consider what they were doing. It was proposed to have three Judges of great eminence to try certain cases. The prisoner was to have an immense advantage, inasmuch as the three Judges were to be unanimous in favour of a conviction. In every Civil case the majority prevailed. Now, consider how the proposition would work in practice. In almost every case there would be an appeal to delay justice, if for no other reason. The law should be a terror to evil-doers; and the whole object of this measure was, as he understood, to strike terror into the criminal, and to make the law short, sharp, and decisive. If they allowed appeal they would rob the Bill of all its terror and efficiency. He protested against the clause, which seemed the only weak part of an otherwise strong Bill. What would be the effect of a prisoner being allowed to bring additional evidence into the Court of Appeal? The right hon. and learned Gentleman knew full well what was the consequence of there being the right of appeal in his own Office, the duties of which Office the right hon. and learned Gentleman had discharged so well. The right hon. and learned Gentleman knew that when a prisoner had tried one defence before a jury and had failed, he had, when the appeal was heard, started another and a dishonest defence. His (Mr. Warton's) objection to an appeal under this Bill was that the Court of Appeal would be a Court for the propagation of perjury; prisoners would look about for a second *alibi* where the first one had failed. It was unheard of in our law to allow any appeal in criminal cases as to matter of fact, and it would not do to reverse the principle of our law simply because this was an extraordinary trbunal. He heard it gravely stated by the Home Secretary that he considered the question of intimidation a more serious matter than that of appeal, because it happened to be the fighting-ground for many people. The right hon. and learned Gentleman knew quite well that no practical alteration would take place in the definition of intimidation; and he (Mr. Warton) affirmed, without hesitation, that the question of appeal was a much more important one, because it involved so many violations of the principle of our existing law. There ought to be no appeal in cases of fact; three Judges were quite competent to determine a question of that kind. He was anxious to review the case fairly and impartially, and therefore would now consider it from the point of view of the prisoner. Let them take the case of three Judges having found a man guilty of the capital offence, and consider what the effect would be when the Court of Appeal sat. The Court of Appeal, consisting of five Judges, as it might under the Bill, was to determine a case by a majority, so that when a majority of three to two confirmed a sentence of death, the cry would run through Ireland that the condemned had been hanged by three to two, and so far it would be a well-founded cry, and one which those who had been so foolish as to reflect upon the honour and reputation of the three Judges who had originally tried the case, by granting the right of appeal, would deserve to have ringing in their ears. The right of appeal was monstrous. If they agreed that two Judges might carry a point against one in the Court below, then the majority might prevail in the Court above. Irish Judges ought to be as good as English Judges; and, as far as he was concerned, no heed was paid to all the nonsense they heard about political partizanship. He believed that when a man became a Judge, whether he had been a partizan or not, he was just as good, and as fair, as if he had had no politics. Men ought to forget their politics when they were elevated to the Judicial Bench, and he believed they did. He earnestly hoped the Government would pause before granting the right of appeal. He must repeat his argument, for he felt he was almost addressing a jury who required the same thing to be reiterated and reiterated until they understood the point. If in the Court of Appeal three Judges were favourable to the conviction, and two against, it would be said the man had been hanged by three to two, and that was his strong objection to the clause. It was as much in the interest of the prisoner as in the interest of the Crown that they must faithfully adhere to the principle of our law. ["Agreed!"] Yes; he sincerely hoped the Committee had agreed to accept his Amendment. In all his experience of criminal cases—and he had a great reverence for the principle of English law—he never heard of an appeal on a question of fact; and he had certainly never heard of fresh evidence being brought in any case of appeal. Besides the danger of terrorizing witnesses, which fresh evidence would produce, he saw a second danger. What would be the effect of fresh evidence on the part of the Crown? They could not allow fresh evidence on the one side without allowing it on the other. The sentence could not be increased by the Court of Appeal; but the Home Secretary argued that the production of fresh facts might necessarily lead to a limitation of the sentence. The fact that they allowed an appeal in the case of facts admitted the possibility of a variation of the sentence. For the reasons he had given he now moved the omission of the clause.

Amendment proposed, in page 2, to leave out Clause 2.—(*Mr. Warton.*)

Question proposed, "That Clause 2 stand part of the Bill."

SIR WILLIAM HARCOURT said, he was perfectly aware there was a great deal to be said against, as well as in favour of the clause. If it were not so late in the night he might be disposed to enter into the arguments for and against the proposal to allow appeal; but the Committee must feel that the Government did not make a proposal of this kind without very mature consideration. There was only one thing he must notice in what the hon. and learned Member (Mr. Warton) had said. He had said a man would be convicted by three to two. That was not so. No man could be convicted under the Bill except by six to two, for the Court below must be unanimous, and in the Court above there must be a majority, and three and three made six. They could, therefore, only have a conviction and a confirmation upon the decision of six to two. The reason they had given the right of appeal was that such great power was being given in the case of heinous offences that some additional security ought to be provided against abuse. Having, after great consideration, incorporated such a principle in the Bill, the hon. and learned Member could not expect the Government to recede from it.

MR. WARTON said, the reply of the Home Secretary was extremely plausible. He could add three and three together quite as well as the right hon. and learned Gentleman; but the point he wished to impress upon the Committee was that when the cry rang through Ireland that a man had been hanged by three to two, any confidence the people might have in the new tribunal would be greatly imperilled. Supposing, too, that the genial and short-witted Irish public were met with the argument of six to two, which was the not very formidable argument of the Home Secretary. There would not be six to two on the same statement of facts. At the trial below there would be only part of the evidence; but in the Court of Appeal, where an entirely different case might be made out, the majority of three to two were to prevail.

MR. HEALY said, the clause provided that—

> "If the appellant establishes want of jurisdiction in the Special Commission Court, the Court of Criminal Appeal may quash the proceedings;"

and the 26th clause said—

> "Provided that no person shall be tried or punished twice for the same offence."

He would like be informed whether, under the Bill, there could be a second trial for the same offence?

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that, under the Bill, a man could not be really in peril twice for the same offence.

MR. HEALY gave Notice of an Amendment on the subject on Report.

COLONEL NOLAN remarked that the discussion was being carried on in a most extraordinary way. The Conservatives were showing great interest in the Bill; but that interest prompted them to bring in several Amendments to make the measure still more severe than it was originally framed. He really thought he ought to move to report Progress. He protested against the way the Bill was being discussed by the Conservatives, and if they persisted he should speak upon every one of the Amendments, and carry on the discussion in the same spirit they had manifested.

Question put, and *agreed to.*

Clause 3 (Constitution of Court of Criminal Appeal, 40 & 41 Vict. c. 57).

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. T. P. O'Connor.*)

SIR WILLIAM HARCOURT said, he would like to take the clause, the consideration of which he did not think would occupy more than a couple of minutes. Of course, if hon. Gentlemen persevered in the Motion to report Progress he should not oppose it.

MR. T. P. O'CONNOR said, he would be very happy to accede to the request of the right hon. and learned Gentleman; but really the clause contained a very important provision. He and his hon. Friends felt very strongly upon the question, and he should be glad if the right hon. and learned Gentleman would now allow them to get to bed.

Mr. HEALY said, he had an Amendment on the Paper, in page 3, line 4, to leave out "by the Lord Chancellor," and insert—

"The Judges of the Irish Courts shall meet on or before the third day of Michaelmas Term in each year, and shall select, by a majority of votes, three of their number for the trial of the offences before mentioned in a Special Commission Court, under this Act, during the ensuing year. If in any case at their meeting the judges are equally divided in their choice of one of their number to serve on a Special Commission, the Lord Chancellor shall have a second or casting vote. In the event of the death or illness of any Judge for the time being on the rota, or his inability to act for any reasonable cause, the Lord Chancellor shall fill up the vacancy by placing another judge on the rota."

He understood that the right hon. and learned Gentleman was prepared to agree to the proposition that the Judges should be chosen by rota. That being so, there would be no contentious matter in the clause, so that he would suggest to his hon. Friend (Mr. T. P. O'Connor) that the clause might be taken.

Sir WILLIAM HARCOURT said, he also proposed that it should be provided by the clause that instead of the rota being nominated by the Lord Chancellor it should be chosen by ballot.

Mr. MARUM said, he had an Amendment to the clause, to the effect that an appeal should be determinable in the same way as the trial in the Court below. His Amendment was, in page 3, to leave out Sub-section 3, which provided that—

"The determination of any appeal shall be according to the determination of a majority of the Judges who heard the appeal;"

and to insert—

"Appellant shall be acquitted unless the whole Court of Criminal Appeal concur in the determination of the appeal."

He would like to know whether the right hon. and learned Gentleman could accept that Amendment?

Sir WILLIAM HARCOURT said, he was afraid he could not agree to such a proposition.

Mr. HEALY suggested to the hon. Member for Kilkenny (Mr. Marum) that they should take the clause as far as his Amendment, and then ask the Government to consent to report Progress.

Mr. T. P. O'CONNOR asked leave to withdraw his Motion to report Progress.

Motion, by leave, *withdrawn.*

Mr. HEALY said, he did not quite understand what the right hon. and learned Gentleman proposed with regard to the election of the Judges.

Sir WILLIAM HARCOURT said, they proposed that the election should be by ballot, and for that purpose he now moved to omit the first two lines of Sub-section 2, namely—

"The Judges shall sit according to a rota to be from time to time determined by the Lord Chancellor."

Amendment *agreed to.*

Mr. MARUM moved to report Progress.

Motion *agreed to.*

Committee report Progress; to sit again *To-morrow.*

PUBLIC SCHOOLS (SCOTLAND) TEACHERS BILL.—[Bill 153.]

(Mr. Mundella, The Lord Advocate, Mr. Solicitor General for Scotland.)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Mundella.*)

Mr. A. GRANT said, before the Speaker left the Chair, he would appeal to the right hon. Gentleman the Vice President of the Council upon the subject of bringing on a Bill of this character and importance at that late hour. He thought that it was rather a strong thing to take the Bill, seeing that so many Members who were interested in it were not present. There was a material principle involved in the measure, which he thought deserved fuller discussion than it could receive at that hour; and he was bound to say that unless the right hon. Gentleman could agree to the postponement of the Committee stage he should feel it his duty to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. A. Grant.*)

Mr. MUNDELLA said, he was greatly surprised at the course taken by the hon. Member who had just spoken, inasmuch as the Bill, as it stood, was substantially agreed to by Scotch Members when the question came before the

House on the Motion of the hon. Member for Wigtonshire (Sir Herbert Maxwell). There had been no change whatever in the Bill, every line of which had been shadowed out and agreed to on the occasion referred to. The hon. Member for Cavan (Mr. Biggar) had placed a block upon the Bill, which he was glad to see had since been withdrawn; and he certainly felt some degree of surprise that Scotch Members should now object to proceeding with the consideration of the Bill in Committee. The hon. Member himself had an Amendment on the Paper, which, he presumed, he would wish to be considered without unnecessary delay. The Bill was a short one, and consisted of only four clauses, upon which there was a practical agreement. Under the circumstances, he trusted the hon. Member would withdraw his objection to the Motion before the House.

Mr. BUCHANAN said, there had evidently been some slight misunderstanding. A great number of Scotch Members, who felt a strong interest in this question, were absent from the House, amongst them the hon. Member for Wigtonshire (Sir Herbert Maxwell), and the hon. Member for Forfarshire (Mr. J. W. Barclay). Under those circumstances, he thought they ought not to discuss an important question of principle at that late hour.

Sir DONALD CURRIE said, he hoped they might be allowed to proceed with the Bill.

Mr. BIGGAR said, he thought it would be best to adjourn the debate. He had taken off the block against the Bill, and had given Notice of an Amendment which was not yet upon the Paper. As he desired this might be properly discussed in Committee, he hoped the debate would be adjourned.

Mr. WARTON said, he was quite sure that both the hon. Members opposite who had just spoken were not likely to oppose the progress of this Bill without good and sufficient reason. They were undoubtedly men of business, and knew what was right and what was wrong in a matter of this kind. The question involved in the Bill was one undoubtedly of great importance; and at that late hour, after their attention had been taken up for such a length of time by the important measure which had been so long before the House, hon. Members were clearly not in a position satisfactorily to proceed with it. Moreover, he thought that it was wrong on the part of the Government to pick and choose, out of the large number of measures before them, one or two particular Bills, for the purpose of forcing them through the House. He was not acquainted with the details of this question; but he joined in the belief that it was too late to discuss such a measure after the reasons put forward by the hon. Members for Leith (Mr. A. Grant) and Edinburgh (Mr. Buchanan). While, no doubt, the Government had their reasons for pushing the Bill on, he was quite sure that hon. Members for Scotland who had spoken had equally good reasons for adjourning the debate.

Mr. MUNDELLA said, the Bill had been brought on that evening on the understanding that it was the unanimous wish of Scotch Members that it should proceed. If, however, he were permitted to get the Chairman into the Chair, he should be willing to move to report Progress, in order to give an opportunity for the consideration of Amendments which hon. Members might wish to propose.

Mr. A. GRANT said, under those circumstances, he would ask permission of the House to withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." —(*Mr. Mundella.*)

Motion *agreed to.*

Committee report Progress; to sit again *To-morrow.*

PARTNERSHIPS (*re-committed*) BILL.

(*Mr. Monk, Mr. Gregory, Mr. Barran, Mr. Lewis Fry.*)

[BILL 179.] COMMITTEE.

Order for Committee read.

Mr. MONK said, the House was aware that this Bill had been before the Select Committee, and had been considerably altered in detail. The Report of the Committee had only been issued two or three days previously, and as hon. Members might not have had time sufficiently to consider its contents, he proposed merely to go into Committee *pro formâ*, and to put down the Bill for that day week.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Monk.*)

Mr. HORACE DAVEY said, he was sorry to trouble the House at that late hour; but if his hon. Friend the Member for Gloucester insisted upon his Motion he should feel it his duty to take a division upon it. He had the strongest objections to this Bill. It was perfectly true, as his hon. Friend had said, that the Report of the Select Committee had only been in the hands of hon. Members for two or three days. That being so, he must press his objection to proceeding any further with the Bill at that moment. The objections he had were that the Bill was useless, and that so far as it was not useless it was absolutely objectionable. He ventured to say that this Bill would be of no use to any professional man; and, on the other hand, it would be mischievous to the public, because it pretended to be a Code of Partnership Law. If it were necessary that a codification of this law should take place, it should, in his opinion, be carried out by the responsible Government, with the assistance of experts. Without wishing to speak disrespectfully of the Committee which sat to consider this Bill, he ventured to suggest that they were not fully able to deal with this important branch of the law.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Horace Davey.*)

Mr. EUSTACE SMITH said, he hoped his hon. and learned Friend would not persevere in his opposition to this Bill, which expressed the unanimous feeling of the Chambers of Commerce throughout the country. The Bill came down simply in the form of a codification of the existing law. It was easy for his hon. and learned Friend to say that it would do no good to anybody; and, from the point of view of his hon. and learned Friend, no doubt it would do very little good to any leading Queen's Counsel or leading solicitor in the country. But it would be a good text-book to men who wished to enter into partnership, and who desired to make themselves acquainted with the obligations by which they would be bound. He, therefore, trusted his hon. and learned Friend would allow the Bill to go into Committee, where any Amendments which he had to suggest would meet with the fullest consideration. It was generally the case, when any scheme for codification of law was presented to the House, to say, if it were a large scheme, the House had no time to deal with it; whereas, if it were a small one, it was alleged that it was dealing in a petty manner with a large subject. He would remind hon. Members that if that form of criticism were always enforced they would never be able to make progress with any measure of the kind. He appealed to his hon. and learned Friend to allow the Bill to go into Committee.

Mr. T. C. BARING said, he thought the Bill contained matter that should be left out, and left out matter which it ought to contain.

Mr. WARTON considered that the taunts which had been thrown out against the Legal Profession by the hon. Member opposite (Mr. Eustace Smith) were quite unjustified in the present case, because he was certain that a question of this kind would be considered in the minds of all impartial lawyers without any reference to their fees. The hon. Member had thrown considerable light upon the origin of this Bill, which was, in fact, legislation by the Chambers of Commerce. If these bodies considered themselves superior to the House of Commons in a matter of this kind, the better plan would be for them to codify the law themselves without coming to Parliament.

Mr. WHITLEY said, he was sorry to hear the remarks which had fallen from the hon. and learned Member for Christchurch (Mr. Horace Davey), because he could assure the Committee that this Bill had met not only with the approval of the mercantile community, but also with the approval of many members of the Legal Profession. He represented one of the largest mercantile communities in the United Kingdom; and he could say, from his own knowledge, that both the mercantile and the legal community in that town were strongly in favour of this measure. It was a most desirable Bill for the codification of the law upon a subject of the strongest interest to the commercial classes in this country, and expressed in the most simple manner all that people could wish to understand with regard to the Law of Partnership. He was persuaded that the more this Bill was studied the more it would commend itself to the approval of those who were interested in the codification of commercial law; and, certainly, he hoped it would receive the sanction of Parliament. He did not know whether the hon. Member for Gloucester (Mr. Monk) would press his Motion on the present occasion; but, if so, he, for one, was prepared to support him. He repeated that the Bill was a most useful one; it had on the back of it the names of Representatives of some of the largest commercial cities in the country; and he certainly trusted that the commercial Members of that House would give it the support which it deserved.

Mr. CHAMBERLAIN said, this Bill came before the House on the present occasion in a different form to that in which it was first introduced. The Bill originally proposed some important changes in the law, upon which there would have been considerable difference of opinion. But these proposed changes had been omitted from this Bill in consequence of the action of the Committee upstairs. The Bill now came before the House chiefly as a measure of codification. His own opinion was that codification of the law was of the greatest advantage wherever it could possibly be effected, and, in the present case, would be undoubtedly of the greatest advantage to the commercial community, even if it were not so to lawyers. If the Bill carried out what it professed to do, he said it was worthy of support in that House. With regard to the Bill, as a measure of codification, he admitted the necessity of having the opinion of experts upon it, and that the opinion of the commercial community alone was not sufficient. The matter had at different stages occupied the attention of the Department over which he had the honour to preside; and he had, to some extent, examined into the subject, with the assistance of the officials of the Department. But he had done something more than that. He had submitted the Bill to Mr. Justice Lindley, and that learned Judge had been kind enough to go through it. On the whole his Lordship approved the Bill, but made some minor suggestions, which were adopted by the Board of Trade, submitted to the hon. Member for Gloucester, accepted by him, and then incorporated in the Bill. Under these circumstances, although he was prepared to admit that there might still be some points on which codification had not been properly effected, yet he submitted that these were rather matters for the consideration of the Committee of the House. He was in hope the House would allow the Committee stage of the Bill to be taken, and that his hon. Friend would consent to postpone further progress for a fortnight. Then in Committee of the House any further Amendments which the hon. and learned Member for Christchurch (Mr. Horace Davey) had to propose could be fully considered. For these reasons he should vote for the Motion to go into Committee.

Mr. HORACE DAVEY said, as the Government would vote against the Motion for Adjournment, he should not trouble the House to divide.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Mr. T. C. BARING pointed out that, the Bill being now in Committee, it might on a future occasion be brought on at any hour of the night; and, therefore, he thought some undertaking should be given that it would be brought on at an hour at which it could be fairly discussed. This was essentially necessary if there were any Amendments of importance to consider.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Monk.*)

Mr. WARTON said, he hoped the hon. Member for Gloucester would reply to the suggestion of the hon. Member for South Essex.

Mr. MONK said, he regretted he could give no pledge whatever. Hon. Members must be aware that it was not in his power to bring on the Bill at any hour he pleased. In existing circumstances it was useless to expect to bring on a Bill before 1 o'clock in the morning.

Question put, and *agreed to.*

Committee report Progress; to sit again upon *Monday* 19th June.

JUDGMENTS (INFERIOR COURTS) BILL.

(*Mr. Monk, Mr. Norwood, Mr. Anderson, Mr. Corry, Mr. Reid, Mr. Serjeant Simon.*)

[BILL 44.] CONSIDERATION.

Further Consideration, as amended, *resumed.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the object of the new clause he was about to propose was to prevent the registration by an Inferior Court in Ireland of a certificate of a judgment for a sum beyond the jurisdiction of the Court. He did not apprehend that there would be any objection to the clause.

Amendment proposed, page 2, after Clause 6, to insert the following Clause:—

(Existing limits of local jurisdiction shall not be exceeded.)

"Nothing contained in this Act shall authorise the registration in an inferior court of the certificate of any judgment for a greater amount than might have been recovered if the action or proceeding had been originally commenced in such inferior court."—(*Mr. Attorney General for Ireland.*)

New Clause *brought up,* and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

Amendment proposed to the proposed Amendment to add at the end—

"Provided, That where a judgment obtained in an inferior court in Scotland cannot be registered in an inferior court in England or Ireland, by reason of its being for a greater amount than might have been recovered if the action or proceeding had been originally commenced in such inferior court, it shall be competent to register a certificate of such judgment in the register directed to be kept in the Court of Common Pleas at Westminster and Dublin respectively, to be called 'the Register of Scotch Judgments,' by section three of 'The Judgments Extension Act, 1868,' in the same manner, to the same effect, and subject to the same provisions, as if the said certificate had been a certificate of an extracted decreet of the Court of Session, registered in the said register under the said Act."—(*The Lord Advocate.*)

Question proposed, "That those words be there inserted."

Amendment *agreed to.*

Mr. Monk

Clause, as amended, *added* to the Bill.

Amendment proposed: Clause 2, page 1, line 14, after "decreet," insert "civil bill decree, dismiss, or order."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the Petty Sessions and Bankruptcy Courts in Ireland were not attached to the High Court of Justice; and, therefore, he proposed, in line 18, after "Justice," to insert "and, in Ireland, courts of petty sessions and the Court of Bankruptcy."

Question proposed, "That those words be there inserted."

Amendment *agreed to.*

Amendment proposed,

In Clause 2, page 1, line 24, after "England," leave out "or Ireland," and insert "and in Ireland shall include the clerk of the peace or other officer whose duty it is to enter the judgment, decree, or order of the Court."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

Amendment proposed,

In Clause 4, page 2, line 21, after "proceedings," insert "and in Ireland a decree, dismiss, or order, as the case may be."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

Amendment proposed,

In Clause 4, page 2, line 21, after "had," insert "issued."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

Amendment proposed,

In Clause 4, page 2, line 25, after "be," insert "added to and."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

Amendment proposed,

In Clause 4, page 2, line 26, after "judgment," insert "No certificate of any such judgment shall be registered as aforesaid in any inferior court in the United Kingdom more than twelve months after the date of such judgment, unless by order of the court in which it is sought so to be registered."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

MR. WARTON suggested that the last line of the Amendment should not be inserted.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the object of the Amendment was simply to place all judgments in Inferior Courts in the same position at the expiration of 12 months.

MR. BIGGAR asked, whether it was not the fact that when a decree was to be renewed at the end of 12 months, the party intending to make the application for a renewal gave Notice of that intention? Under this Amendment a renewal might be obtained behind the back of the other party, without notice. It seemed to him that if this provision was to stand in its present form further words should be added, binding the plaintiff to give notice to the defendant.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) explained that further words would not be necessary.

Amendment *agreed to.*

Amendment proposed, in page 2, leave out Clause 7.—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

Amendment proposed, in Clause 8, page 3, line 5, after "be," insert "respectively."—(*Mr. Whitley.*)

Amendment *agreed to.*

Amendment proposed, in Clause 8, page 3, line 6, after "Courts," insert "and Inferior Courts of Record."—(*Mr. Whitley.*)

Amendment *agreed to.*

Amendment proposed,

In Clause 8, page 3, at end of Proviso, leave out "unless to the effect specified in section seven of this Act."—(*The Lord Advocate.*)

Amendment *agreed to.*

Bill to be read the third time *Tomorrow.*

COUNTY COURTS (ADVOCATES' COSTS) BILL.—[BILL 188.]

(*Mr. Hastings, Sir Eardley Wilmot, Mr. Staveley Hill, Mr. Rowley Hill.*)

SECOND READING.

Order for Second Reading read.

MR. HASTINGS, in moving that the Bill be now read a second time, explained that its chief object was to remove a difficulty which existed in regard to the functions of the Committee of County Court Judges appointed by the Lord Chancellor, for fixing the costs of attorneys and solicitors in the Courts. By the 91st section of the original County Courts Act, no costs could be recovered for advocacy in any case below £5. The Bill repealed that section.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Hastings.*)

MR. WHITLEY said, he had no doubt that the object of the Bill was well intentioned; but as the Bill was now drawn, it would exclude the right to employ barristers, who were almost a necessity on important questions in the County Courts.

MR. HASTINGS said, the Bill left the law on that point precisely as it stood at present. A barristers' fee was an *honorarium*, and could not be recovered in any Court.

MR. WARTON said, he would not oppose the Bill; but he would suggest that the word "Advocate" was a misnomer. That term was only used in the Court of Arches, and in other Courts which were now rapidly becoming extinct; and he thought it had better be omitted.

MR. HASTINGS pointed out that that would be a matter for the Committee.

Motion *agreed to.*

Bill read a second time, and *committed* for *Thursday.*

CRIMINAL LUNATICS BILL.

On Motion of Mr. FINDLATER, Bill to amend the Law with reference to the removal and detention of Criminal Lunatics, *ordered* to be brought in by Mr. FINDLATER and Mr. DILLWYN.

Bill *presented,* and read the first time. [Bill 192.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, 6th June, 1882.

MINUTES.]—PUBLIC BILLS—*First Reading*—Somersham Rectory* (116); Lunacy Districts (Scotland)* (117); Artillery Ranges* (119); Irish Reproductive Loan Fund Act (1874) Amendment* (120).
Second Reading—Arklow Harbour* (98).

Report — Union of Benefices (London) (101-118); Imprisonment for Contumacy (103).

Third Reading — Inclosure (Arkleside) Provisional Order* (92); Inclosure (Bettws Diserth) Provisional Order* (93); Inclosure (Cefn Drawen) Provisional Order* (94); Local Government (Ireland) Provisional Order* (95), and *passed.*

UNION OF BENEFICES (LONDON) BILL.

(*The Lord Bishop of London.*)

(NO. 101.) REPORT OF AMENDMENTS.

Amendments *reported* (according to order).

EARL NELSON said, he wished to ask a question as to Clause 10, which said that certain sections of a certain Act already in existence should be incorporated into this Act. That mode of legislating was, he was sorry to say, now very often adopted; but it was a slovenly and objectionable way of proceeding. In the first place, it was very difficult for a person who did not know the old Act to understand what was done; and, in the second place, it was very hard to amend the imported clauses. Under the section with regard to the appropriation of seats in the case of the church of a united parish, while reserving half seats free, power was given to the Bishop to appropriate the remaining seats. In the City churches there were a great many old appropriated seats. When he was a Member of one of the Committees on this question, he found that the Sheriffs and Lord Mayor had certain rights to seats in a great number of those churches. If their rights were taken away in regard to other churches, the Bishop had the power by this clause to make up for the deprivation by giving them seats in the churches of the united parishes. As many of the old churches were doing good work, because they had entirely thrown open the seats, it seemed very hard, when the parishes were united, that the Bishop should turn half these seats into appropriated seats.

THE BISHOP OF LONDON said, it appeared to him that the difficulty was a small one, as no church would be pulled down where there was any large body of parishioners; but where there were a few persons left in a parish, who were entitled to appropriated seats in the church pulled down, they should be in the same manner accommodated with seats in the church to which their parish was joined. The Bill, as it stood, would do no one any harm.

THE EARL OF POWIS begged to move, after Clause 14, to insert as a new Clause—

(Provision for special services.)

"On the application of the patron of any church, and with the concurrence of the bishop of the diocese, the Commissioners may by any scheme under this Act provide for the appropriation of such church for holding services for sailors or any other special class of population, and for nominating and licensing, and for the remuneration of any spiritual person or persons to serve such church, subject to the provisions of section nineteen of the Act twenty-third and twenty-fourth Victoria, chapter one hundred and forty-two, with respect to repair and monuments, and also for the application of any repair funds or endowments belonging to such church in furtherance of the objects of the scheme: Provided that on a representation by the Ecclesiastical Commissioners to the effect that such appropriation has become unnecessary, Her Majesty in Council may at any time approve any scheme to determine such appropriation and provide for the future use and appropriation of the church and its endowments, if any."

THE BISHOP OF LONDON said, he had no objection to the Amendment. The object of the Bill was to remove the churches which had no adequate use; but if churches could be made useful for services for sailors and the like, by all means let them stand. If an appropriation of that kind was found on trial to be inexpedient, power was given to the Commissioners to determine it.

Amendment *agreed to.*

Bill to be read 3ª on *Tuesday* next; and to be *printed* as amended. (No. 118.)

IMPRISONMENT FOR CONTUMACY BILL.—(No. 103.)

(*The Lord Archbishop of Canterbury.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to order).

LORD ORANMORE AND BROWNE said, that having made his protest against the Bill on the second reading, believing that the measure would encourage lawlessness in the Church, he did not propose to offer opposition to it on the present occasion. He desired, however, to move an Amendment similar to that brought forward by the noble and learned Lord on the Woolsack, and introduced into the Public Worship Act (1874) Amendment Bill, an Amendment enabling the ecclesiastical authorities to deprive contumacious clergymen of their livings. He did not see anything in the circumstances of the Bill of last year to warrant the addition of this provision, which was not to be found in the circumstances of the present measure.

Moved, after Clause 2, insert the following Clause:—

(Party not to be released from further observance of justice.)

"Such party or person shall not by reason of his discharge in manner aforesaid be released from further observance of justice in the suit in which he has been pronounced in contempt: Provided always, that no further proceeding shall be taken in such suit unless the bishop of the diocese certify in writing under his hand that the party or person has since his release from custody had an opportunity of submitting to his admonitions and has failed to submit to the same. And upon such certificate being filed in the registry of the Court in which such suit shall be depending (whether the same shall have been instituted under the Act for better enforcing Church Discipline passed in the fourth year of Her present Majesty, or under the Public Worship Regulation Act, 1874,) the said Court shall issue against such party or person, being an incumbent within the meaning of the Public Worship Regulation Act, 1874, for the purpose of enforcing obedience to the monitions or monition, orders or order, previously made in such suit, an inhibition, which shall have the same force and effect in all respects as if the same had been a second inhibition issued within three years from the relaxation of an inhibition under the thirteenth section of the Public Worship Regulation Act, 1874; and from and after the time when such inhibition shall have been duly served upon such party or person, or after the expiration of the time (if any) during which the effect of such inhibition may have been postponed by the bishop, pursuant to the power in that behalf given to him by the said thirteenth section of the Public Worship Regulation Act, 1874, every such benefice or other ecclesiastical preferment held by such party or person as is mentioned in the thirteenth section of the Public Worship Regulation Act, 1874, shall become void in the same manner and with the same effects and consequences in all respects as if such inhibition had been a second inhibition duly issued under and by virtue of the thirteenth section of the last-mentioned Act: Provided also, that in any case in which such inhibition shall have been issued, no further signification of any sentence of contumacy or contempt shall be made against the same party or person with a view to the issuing of a writ De contumace capiendo under the provisions of the Act passed in the fifty-third year of King George the Third, intituled 'An Act for the better Regulation of Ecclesiastical Courts in England, and for the more easy recovery of Church Rates and Tithes,' or of any Act amending the same."—(*The Lord Oranmore and Browne*)

The LORD CHANCELLOR said, he had not receded from the view he held on this point last year. The law must be enforced, and disobedience to it could not be by that House allowed, whether in an ecclesiastical or any other matter. But this Bill was differently framed from the one of last Session, both in other respects, and particularly because it contained a provision under which the released clergyman would be liable to be imprisoned again if he should again be guilty of contempt or contumacy, and if the promoters of the suit should apply for it. Besides, this Bill was only a temporary one, and was intended merely to provide a remedy for an imprisonment of unreasonable duration until the Commission now inquiring into the Ecclesiastical Courts had reported upon such alterations as they might recommend to be made in the law, and until Parliament should have had an opportunity of considering such recommendations. This Bill would practically apply to only one special case, and there was no reason to apprehend that any other case would have to be considered while the measure remained in operation. The effect of the Bill would simply be to release the clergyman referred to; and if he, after his release, repeated his contumacy, he must immediately be put in prison again, if the promoters of the suit thought fit to to press for it. There was nothing in the Bill which permitted contempt and contumacy to pass unpunished, although it was true that no other punishment but imprisonment could be inflicted under it. On a former occasion, he (the Lord Chancellor) had stated, that the inhibition in the case of the Rev. F. S. Green was issued on the 16th August 1879, and consequently, that, unless he complied with the provisions of the Act, he would be deprived at the end of three years—namely, on the 16th August next. Since he made that statement he had seen an opinion expressed by others, that the three years should run from the monition, which was in this case issued on the 27th day of June, 1879; and, therefore, that the three years would expire on the 27th of this month. But the clause was very singularly worded; it spoke of the inhibition as "remaining in force" for three years from the date of the monition. It ought not to be construed loosely against the subject; at all events, there was room for serious difference of opinion as to its true construction: and he would recommend that, for all practical purposes, the later date should be considered the correct one.

THE ARCHBISHOP OF CANTERBURY said, that the present Bill did not in any way interfere with the provisions of the present law as to proceedings being taken against a clergyman for contumacy. It simply had reference to the question whether or not a certain clergyman, and any others whose cases might correspond to his, should be released from prison, and was designed to remedy the evils that had arisen from the unexpected application to modern cases of the hitherto forgotten Act of George III. The Amendment, which he hoped the noble Lord (Lord Oranmore and Browne) would not press, complicated the matter, and was a new departure in reference to the mode of dealing with the offence of contumacy.

Amendment *negatived*.

Bill to be read 3ª on *Tuesday* next.

SOMERSHAM RECTORY BILL [H.L.]

A Bill for disannexing the Rectory of Somersham from the office of Regius Professor of Divinity in the University of Cambridge, and for making better provision for the cure of souls within the said rectory, and for other purposes—Was *presented* by The Earl of POWIS; read 1ª, and *referred* to the Examiners. (No. 116.)

LUNACY DISTRICTS (SCOTLAND) BILL [H.L.]

A Bill to make provision for altering and varying lunacy districts in Scotland—Was *presented* by The Earl of DALHOUSIE; read 1ª. (No. 117.)

House adjourned at Five o'clock, to Thursday next, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 6th June, 1882.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Corn Returns * [193]; Settlement and Removal Law Amendment * [194].

First Reading—Elementary Education Provisional Order Confirmation (London)* [195]; Elementary Education Provisional Orders Confirmation (West Ham, &c.) * [196].

Second Reading—Local Government (Ireland) Provisional Order (No. 4) * [173]; Local Government (Ireland) Provisional Order (No. 5)* [175]; Vagrancy [62].

Referred to Select Committee—Settled Land [120].

Committee—Prevention of Crime (Ireland) [157]—R.P. [*Fifth Night*].

Report—Tramways Provisional Order * [141]; Tramways Provisional Order (No. 2) * [149].

Considered as amended—Local Government Provisional Orders (No. 3)* [152]; Pier and Harbour Provisional Orders (No. 2) * [150].

Third Reading—Local Government Provisional Orders (Artizans' and Labourers' Dwellings)* [162]; Local Government (Ireland) Provisional Orders (Ballymena, &c.) * [155], and *passed*.

QUESTIONS.

EGYPT (POLITICAL AFFAIRS)—THE ANGLO-FRENCH FLEET AT ALEXANDRIA—THE EARTHWORKS.

MR. BOURKE gave Notice of his intention on Thursday to ask the Under Secretary of State for Foreign Affairs, Whether he still adhered to the statement made by him on the 2nd of June that the earthworks in Alexandria Harbour were not yet armed in any way; and whether it was not the fact that, some time before the 2nd of June, there were in those earthworks three 18-ton guns and 20 34-pounders? He would put that Question on Thursday, if convenient to the hon. Baronet.

SIR CHARLES W. DILKE: Sir, I will answer that Question at once. The information received from Sir Beauchamp Seymour at the date on which I spoke did not mention any armament on the forts—only the day before he stated that they were not armed. After I made that answer we received information that they were being armed, and I informed the House of the fact.

MR. BOURKE: Then, is my information correct that, before the 2nd of June, the forts were armed?

SIR CHARLES W. DILKE: That Question I shall be glad to answer on Thursday. I can only say that we were not in possession of such information on the day I answered the Question. I will inquire in the meantime, and if we can get the information by Thursday I will then give the answer. I do not think we possess it at present. I do not think Sir Beauchamp Seymour stated on what day the guns were there.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MR. P. J. QUINN.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. P. J. Quinn, assistant secretary to the Land League, is confined in Enniskillen Gaol, after so many other prominent members of the League, arrested at the same time and for the same offence, have been released; and, if the Lord Lieutenant has re-considered his case?

MR. TREVELYAN: Sir, Mr. Patrick J. Quinn is detained in Inniskillen Gaol. The Lord Lieutenant re-considered his case at the end of last month, and decided that he could not then order his release.

MR. HEALY asked whether Mr. Quinn was only assistant secretary to the Land League, and had never made a speech before he was arrested? Mr. Brennan and Mr. Davitt, the chief secretaries of the League, had been released, and he was subordinate to them.

MR. TREVELYAN said, he would answer a further Question on the subject on Thursday.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — DETENTION OF PERSONS ARRESTED UNDER THE ACT.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether eleven men arrested in Hook, county Wexford, on 27th February, are still confined in Kilkenny Gaol, although two others from the same district, arrested on the same charge were released a month ago; whether it is the fact that no outrages have been committed in the district; if he can state the reason for the detention of these men; if the Government have re-considered the case of Mr. James Ennis, and the other suspects from Bannon, county Wexford, now in Kilmainham; and, why Mr. Pierce Meaney, of Tintern, county Wexford, is detained in the same gaol, while another prisoner from the same district and arrested for the same offence has been released?

MR. TREVELYAN: Sir, I find that there are only seven of the men arrested at Hook on the 27th February still in custody, and I have learnt by telegraph that His Excellency has had their cases under his consideration to-day, and has decided to order their discharge. Mr. James Ennis was released on the 31st ultimo. I have received no information about other persons from Bannon, County Wexford, being in Kilmainham; but if the hon. Member will name them I shall ask about their cases. Mr. Pierce Meaney, referred to in the final paragraph of the Question, was released on the 26th of last month.

PETROLEUM ACT (INDIA), 1881 — IMPORTATION OF EXPLOSIVE OILS FROM AMERICA.

MR. MACFARLANE asked the Secretary of State for India, If his attention has been called to the statement of the Correspondent of the "Times" from Calcutta with reference to the importation of dangerous explosive oil from America; and, if it is true that he has instructed the Government of India to repeal or modify the Act passed by that Government only last year; and, if it is true that the Government of India, in obedience to such orders, is legislating upon the subject at Simla where no independent or commercial member of the Council is present?

THE MARQUESS OF HARTINGTON: Sir, my attention has been called to the telegram of the Calcutta Correspondent of *The Times*, which contains an inaccurate statement of the facts. Representations have been made to me by respectable firms that four cargoes, containing 2,500,000 gallons, of petroleum have been rejected by the Government Inspectors as below the standard, though they had taken every precaution to comply with the requirements of the Act. They have laid before me documentary evidence to support the latter assertion. It is also stated that other cargoes are on the voyage, under similar conditions. On consulting Professor Abel, who is the inventor of the test employed here and in India, I find that he is uncertain whether his test, intended to be used in a temperate climate, can be entirely depended on under very different climatic conditions in India. This opinion seems to be confirmed by the fact that identical samples of oil refused at Bombay last autumn have been re-tested in London and admitted. Under these circumstances, and considering that merchants who appear to have taken every reasonable precaution to comply with the requirements of the law are subjected to very heavy loss by what it is, at least, possible may be an imperfection of the test laid down by the law, and also that a reduction, by the rejection of the cargoes in question, of something like a quarter of the year's imports must greatly raise the price of petroleum in India and cause loss and inconvenience to the Indian consumer, I thought it right to communicate the facts before me by telegram to the Government of India, and to ask their earliest consideration of the matter. The question of any permanent modification of the test under the Act cannot be considered for some time—till the opinions of the experts who have been consulted are received. But, to meet the pressing case of the alleged hardship to shippers of cargoes of petroleum already arrived in India or afloat, the Government of India propose to pass in their Legislative Council to-morrow a temporary Act, admitting petroleum certified by the New York Public Inspectors not to flash below the standard required by the Act. I have issued no instructions in the matter, but have simply communicated the information received and the opinions of experts, leaving it to the discretion of the Legislative Council whether to pass the Act.

NAVY—THE RIGGERS IN THE DOCKYARDS.

Sir H. DRUMMOND WOLFF asked the Secretary to the Admiralty, Whether any answer has been or will shortly be sent to the petition presented to the Admiralty by the established riggers in Her Majesty's Dockyards?

Mr. CAMPBELL-BANNERMAN: Sir, several representations have recently been received from the Dockyards in favour of an increase of pay. So far as this year is concerned, no provision has been made for such a purpose; but, before the next Estimates are framed, the claims which have been urged will receive full consideration.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—THE REV. THOMAS FEEHAN.

Mr. MARUM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, in view of the precedent established by the release of a person from Limerick Gaol last week, imprisoned in default of bail for good behaviour, he will take into his favourable consideration the discharge from Maryboro' Gaol of the Rev. Thomas Feehan, in custody under similar circumstances?

Mr. TREVELYAN: Sir, His Excellency the Lord Lieutenant of Ireland has had the Rev. Mr. Feehan's case under consideration. I will let the hon. Member know more on Thursday.

Mr. LEAMY asked whether the right hon. Gentleman could state whether the cases of other persons imprisoned under the Act of Edward III. were also under consideration?

Mr. TREVELYAN: They are, Sir. The same considerations govern all these cases.

Mr. GIBSON asked whether His Excellency, in considering these cases, had regard to the question whether intimidation was likely to be exercised by the persons released?

Mr. TREVELYAN: What His Excellency has considered is the relation of the length of imprisonment which these people have undergone to the charges on which they were imprisoned. He has also considered the effect of their release on the peace of the districts in which they lived.

IRELAND—STATE-AIDED EMIGRATION.

Captain AYLMER (for Mr. Fitz-Patrick) asked Mr. Chancellor of the Exchequer, Whether, having regard to Mr. Tuke's letter in the "Standard" of June 5th, stating the anxiety of the people in the western districts of Connaught to emigrate, and the difficulty of procuring funds for that purpose, Her Majesty's Government will make arrangements to supplement the power now possessed by guardians of Poor Law Unions of giving money in aid of emigration, by granting a loan at a low rate of interest to those Poor Law Unions which were scheduled under the Relief of Distress (Ireland) Act of 1880; and, whether, having regard to the great urgency of the case, they will make such arrangements as rapidly as possible?

The CHANCELLOR of the EXCHEQUER (Mr. Gladstone): Sir, there is no doubt of the importance of this question; but, if it be an urgent question, it is not the only urgent one in connection with

Irish legislation, for there are other matters which have been partially the subject of discussion this year, some relating to the various clauses of the Land Act, and more particularly to the Purchase Clauses, which likewise demand the consideration of the Government. But I do not think that any advantage will arise from my entering at this period into a statement of what the Government intend upon the subject. We have before us the passing of two Bills, which form the bulk of our immediate duty in this House. By the time these two Bills are disposed of, there is one subject which it will be quite necessary to take up—namely, the Taxes Bill. When that again has been disposed of, and it is not a matter that can possibly occupy a great deal of time, then will be the time when we may fairly be called upon to state our intentions with regard to other subjects.

MR. T. P. O'CONNOR: May we hope, from what the right hon. Gentleman has said, that we shall have a statement from the Government with reference to the other points under the Land Act before the close of the Session?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GLADSTONE): Yes; I do not pretend to say now, Sir, what we shall be able to deal with practically, and what we shall not be able to deal with practically, during the remainder of the present Session; but I think it will be quite proper for the Government to state their intentions when we have arrived at the point to which I have referred.

EGYPT (POLITICAL AFFAIRS).

SIR H. DRUMMOND WOLFF asked the First Lord of the Treasury, If he can state which of the Powers have consented to the Conference on the affairs of Egypt; and, whether, before issuing invitations to a Conference at Constantinople, Her Majesty's Government and the Government of France had taken steps to ascertain whether such conference was acceptable to the Sultan, the Sovereign of that capital? The hon. Member further asked whether the French text of the Circulars published in *The Times* and addressed by the Sultan to the other Powers was authentic; if so, when where the Circulars received, and had any answer been sent by Her Majesty's Government?

SIR CHARLES W. DILKE: Sir, my hon. Friend asks which of the Powers have consented to the Conference? All of them have expressed themselves favourable to the idea, except the Porte, which, without declining, has expressed the belief that the Conference is unnecessary. The text of the Circulars which appears in *The Times* is no doubt accurate, as it corresponds pretty closely with the purport of a conversation which Musurus Pasha had with Lord Granville yesterday evening, and which was the first expression of the opinion of the Porte on the matter which we have had before us. The hon. Member also asks whether, before issuing invitations to a Conference at Constantinople, we have taken steps to ascertain whether the Conference was acceptable to the Sultan? No, Sir; we did not. I find from examination of the latest precedent—that of the Constantinople Conference of 1876—that the late Government took the initiative in proposing it, without taking steps to ascertain whether it was acceptable to the Sultan. All the Powers expressed themselves favourable to the idea, except the Porte, which objected to it. The preparations were actively pushed on all the same, and the Porte only agreed 14 days later. As my hon. Friend may be inclined to agree with me that the precedent is an interesting one, I will give him the exact dates. The invitations to the Conference of 1876 were sent out on the 4th of November.

SIR H. DRUMMOND WOLFF: Were they laid before Parliament?

SIR CHARLES W. DILKE: Yes; I am quoting from the Blue Book. On the 8th of November Lord Salisbury was named British Plenipotentiary. On the 8th of November the Porte made its first answer, stating that—

> "The meeting of a Conference would be too disadvantageous for us not to wish that the desired understanding be obtained without the meeting of foreign Plenipotentiaries, having as their mission the discussion of the internal administration of the empire."

On the 13th of November, the Porte again protested against the Conference. On the same day the reply sent somewhat intimated that the Conference might take place, whether the Porte joined in it or not. It was not until the 18th November that the Porte agreed to the Conference.

Sir H. DRUMMOND WOLFF: Is the hon. Baronet not aware that the result of that Conference was entirely futile, and does he anticipate a similar result from the proposed Conference?

Sir CHARLES W. DILKE: The hon. Member might obtain information as to the result of the Conference of 1876 from right hon. Gentlemen on the Front Bench opposite.

Sir STAFFORD NORTHCOTE: I wish to ask whether the answers received from the other Powers except the Porte, which are said to have been favourable, were distinct acceptances?

Sir CHARLES W. DILKE: No, Sir; I take it that the Powers are following on this occasion the precedent of 1876. In 1876 the Powers informed us that, while they were generally favourable to the idea, they should keep back their formal answers until they had agreed amongst themselves upon the terms. That was the answer of Germany, and I think it probable that the same course is being taken on this occasion.

Sir STAFFORD NORTHCOTE: Have the Government received any communication from any of the Powers to the effect that they think a Conference unnecessary?

Sir CHARLES W. DILKE: No, Sir.

Mr. JOSEPH COWEN: Have the Government received any intelligence as to the arrival of Dervish Pasha in Egypt, or as to the instructions he has been empowered to carry out?

Sir CHARLES W. DILKE: The conversation between Musurus Pasha and Lord Granville has placed generally before the Government the instructions given by the Porte to Dervish Pasha, and they are substantially on the same bases as those proposed for the Conference. With regard to the arrival of Dervish Pasha in Egypt, judging from the distance, which is only 800 miles, I think he would probably arrive to-night or to-morrow morning.

Mr. O'DONNELL: I should like to ask whether the instructions to Dervish Pasha contained any instructions to the effect that the terms of the recent Anglo-French Ultimatum should be insisted on—with respect, for example, to the exile of Arabi Pasha and other matters?

Sir CHARLES W. DILKE: I do not think it would serve any good end to go largely into discussion on this subject, and I could not answer without entering considerably into discussion. I have already stated that the document in question is not an Ultimatum, and I have given certain reasons why it is not an Ultimatum. The instructions given to Dervish Pasha have not been communicated in detail to Her Majesty's Government, but only general terms; and they resemble those that have been placed before the Powers as the bases of the proposed Conference.

Mr. M'COAN: I beg to ask the hon. Baronet, whether, in the instructions given to Dervish Pasha, the expulsion of Arabi Pasha from Egypt was included?

Sir CHARLES W. DILKE: I do not think we know the exact nature of the measures which the Porte is prepared to take. The measures are, generally speaking, the restoration of order in Egypt, and of the authority of the Khedive.

Sir H. DRUMMOND WOLFF asked when the promised Papers relating to Egypt would be distributed to Members?

Sir CHARLES W. DILKE: Communications with the Government of France with regard to them have now ceased, and the Papers went to the printers this morning. I think it will take two days to get them printed, but they will probably be distributed on Friday morning.

Sir WILFRID LAWSON inquired if this referred to the distribution of all the Papers?

Sir CHARLES W. DILKE: No, Sir; these are only the first set down to February 5. We are still discussing with the French Government with respect to others, and I think, as I said yesterday, we shall obtain their assent to the production of the remainder.

Baron HENRY DE WORMS asked the hon. Baronet whether the fortified works at Alexandria had been discontinued, because the statements in that day's newspapers on the subject were contradictory?

Sir CHARLES W. DILKE: I am sorry I cannot give any additional information on the subject. Sir Beauchamp Seymour may have telegraphed further particulars to the Admiralty since I came to the House; but, so far as I know, he has not yet telegraphed.

MR. O'DONNELL: Was it on the authority of the Government that Admiral Seymour applied to the Sultan for the protection of the British Fleet against the fortifications?

SIR CHARLES W. DILKE: No, Sir. I stated the facts yesterday, and I have nothing to add to the statement.

MR. ASHMEAD-BARTLETT asked whether, in view of the gravity of the Egyptian crisis and the dangers that threatened the interests of England in that country, the Government would fix an early day for the discussion by that House of the policy to be pursued with regard to Egypt and the Ottoman Power?

SIR CHARLES W. DILKE: In reply to the Question of the hon. Member, I can only repeat what I have already stated, that Her Majesty's Government desire to place the House in possession of all the facts, by laying on the Table the Correspondence up to the end of May, and they have asked the French Government for their consent, which, as I have also stated, has been partially given. Her Majesty's Government must decline to enter on a fragmentary discussion.

MR. ASHMEAD-BARTLETT: Are we to understand that when the Papers are on the Table an opportunity will be given for discussion?

SIR CHARLES W. DILKE: I have no doubt that if a Motion of Want of Confidence in the Government in relation to their foreign policy is proposed by the responsible Leaders of hon. Gentlemen opposite, a suitable opportunity for its discussion will be given by my right hon. Friend the Prime Minister.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. THOMAS BRENNAN.

MR. TOTTENHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the report of a speech in the Dublin papers of the 3rd instant, attributed to Mr. Thomas Brennan, late Secretary to the Land League, immediately after his release from Kilkenny Prison, in which the following passages occur:—

> "I value personal liberty as much as any one, and feel to the fullest extent the necessity to have to conform to the rules of gaolers, especially when the gaolers are the enemies of our country. And when I say 'gaolers,' I do not mean the gaol officials, much less those of Kilkenny, from whom I have received nothing but uniform courtesy and politeness; I mean William Ewart Gladstone, and John Bright, and Joseph Chamberlain, and the whole crowd of pseudo humanitarians and renegade Republicans that comprise the Cabinet of England (loud and prolonged cheering). These are the enemies of our country.
>
> "Compared with what we have yet to do we have done but very little. I hope that if ever again I am called upon to surrender my liberty in the cause of truth or justice that I will do more to deserve it than I did before. We started with the programme of obtaining the land for the people. Well we have not yet obtained that desirable reform, and we will require to give and take many a hard knock yet before it is accomplished.
>
> "We commenced with the work of eradicating landlordism. Well, the old tree and the superstitious dread that overshadowed the people have been wiped away from the Irish mind, but the roots are still deep in the Irish soil, and though time may rot them we cannot afford that time. We want the place on which to build the structure of an Irish nation, and the roots must come up and be cast into the fire;"

and, if the Government had, before the release of Mr. Brennan, any information leading them to the conclusion that he would range himself on the side of Law and order in Ireland?

MR. LABOUCHERE wished, before the right hon. Gentleman rose to answer, to ask him also whether his attention had been called to a speech made by the hon. and learned Member for Launceston (Sir Hardinge Giffard), somewhat of the same nature as the speech of Mr. Brennan, in which, after accusing Her Majesty's Government of nefarious negotiations, the hon. and learned Member said he had been taught to regard with abhorrence that which was known to lawyers as misprision of treason, and that those who did aid and abet traitors and enter into a compact with traitors, were themselves guilty of an offence? He asked the right hon. Gentleman whether it was contemplated to submit statements in that speech to the Law Officers of the Crown, with the view of seeing whether any legal action could be taken to restrain such speeches on the part of the hon. and learned Member for Launceston, as they were most injurious to the cause of law and order in Ireland?

LORD JOHN MANNERS asked the hon. Member for Northampton, whether he had given Notice to the hon, and learned Member for Launceston (Sir Hardinge Giffard) of his intention to put that Question?

Mr. LABOUCHERE said, he had only had the pleasure of reading that speech to-day. He did not know whether the hon. and learned Member was in his place, but he had had no opportunity of giving him Notice.

Mr. T. P. O'CONNOR asked the hon. Member for Leitrim (Mr. Tottenham) whether he had given Notice of his Question to Mr. Thomas Brennan?

Mr. TREVELYAN: My attention has not until this moment been called to the speech of the hon. and learned Member for Launceston. My attention has been called to the speech reported as having been delivered by Mr. Thomas Brennan. As to the grounds of his release, they are simple and avowable. The Lord Lieutenant of Ireland had regard to the ground of Mr. Brennan's arrest, as stated in the warrant — namely, reasonable suspicion of incitement to riot contained in a public speech; and also to the fact that he had been over a year in prison, and he was satisfied that Mr. Brennan's release would not endanger the peace of Dublin, where he resides. These were the considerations which weighed with His Excellency when deciding upon this case.

PARLIAMENT—BUSINESS OF THE HOUSE.

Mr. J. G. HUBBARD wished to ask the First Lord of the Treasury a Question as to the Business of to-morrow. After many disappointments, he had obtained the first place to-morrow for the Motion of which he had given Notice relating to the administration of the Income Tax. He therefore asked whether the Government proposed to occupy the whole of to-morrow with the Prevention of Crime (Ireland) Bill, or whether they would not consent to a portion of the Sitting being devoted to the discussion of the important subject which he wished to bring forward?

Mr. GLADSTONE: Sir, unless the Committee on the Prevention of Crime (Ireland) Bill should terminate in the course of the Sitting to-morrow, I am afraid we must occupy the whole of the Sitting with it; and I have but a slender prospect to hold out to my right hon. Friend.

Mr. NEWDEGATE said, it appeared to him that the Business of Scotland and England was unduly postponed. He therefore asked the right hon. Gentleman the First Lord of the Treasury, whether he would not apply the Rule of Urgency to the Prevention of Crime (Ireland) Bill?

Mr. HEALY said, that before the Question was answered, he would ask the Premier whether, having regard to the manner in which Ireland continually occupied the time of Parliament, he would find some other way out of the difficulty than that just proposed?

Mr. GLADSTONE: I think, as far as our present experience has gone, that the Rule of Urgency has been regarded, certainly it was so regarded last year, as a Rule that had reference to what is commonly known as Parliamentary Obstruction. Now, the position of the House at the present moment is a most unfortunate one, and no one feels that more strongly than I and my Colleagues do. Although the debates upon the Irish Crime Bill have been long, and we could have wished they had not been so long, yet I must say I do not think they have been of such a character as that we could justly tax them with the offence, if I may so call it, of Obstruction; and unless it could be so proved, I do not think we should be justified in asking the House to declare Urgency for this Bill?

NAVY—BREECH-LOADING GUNS.

Colonel NOLAN asked the Secretary of State for War, If he can state the number of breech-loading guns supplied during the past financial year to the Navy; the system of breech-loading on which these guns were constructed; and, at whose recommendation such system was adopted?

Mr. CHILDERS: None, Sir, during the past financial year. But during the present year 16 25-pound 4-inch guns, weighing each 22½ cwt., have been issued. The system is known as the French system, with some improvements by Sir William Armstrong. It was adopted, on the recommendation of the Director of Artillery, and approved by both the late and present Ordnance Committees.

ORDERS OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[Bill 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 5th June.*]

[FIFTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART I.

Special Commission.

Clause 3 (Constitution of Court of Criminal Appeal, 40 & 41 Vict. c. 57).

Mr. MARUM, in moving, in page 3, line 9, after "The," to leave out to the end of sub-section (3), and insert—

> "Appellant shall be acquitted unless the whole Court of Criminal Appeal concur in the determination of the appeal,"

said, the object of this Amendment was to provide that the non-agreement of the Court of Appeal should virtually amount to acquittal of the appellant. In the Supreme Court the principle of unanimity was adopted; but the Government did not seek to put that principle in force in regard to the Appellate Court. He thought it was desirable that they should accommodate themselves as much as they could to the principle of the jury system, and in the jury system, both in England and Ireland, unanimity was required. It must be remembered that they were seeking to deprive Her Majesty's subjects in Ireland of the right of trial by jury, and it was desirable to retain, as far as possible, every part of that right which it was not absolutely necessary to dispense with. In the next place, unanimity was one of the main principles of the Bill. It was required that three Judges should be unanimous in the first instance, and unless they were unanimous there was an acquittal. Therefore, neither one nor two Judges were sufficient to procure a conviction. In the Appellate Court there were four or five Judges, and, it might be, more. He would take a case where there might be seven. In that case, if three of the Judges were in favour of an acquittal, and four were in favour of a conviction, the prisoner or the accused would be convicted—that was to say, that three Judges would not be able to procure an acquittal in the Appellate Court, although the dissent of one Judge would procure an acquittal in the Court of First Instance. He therefore thought it was not an unreasonable matter, seeing that, under the present law, there must be unanimity on the part of the jury before they could convict a man of a criminal offence, that they should endeavour to accommodate the same principle to the Court of Appeal. They were now taking very exceptional powers, which would deprive a large number of the subjects of Her Majesty of the right of trial by jury; and he thought it would be admitted that the effect of that course would necessarily be to lessen the confidence that was reposed in the administration of justice. He thought they ought to do nothing which they could possibly avoid in this Bill to increase the want of confidence which existed in Ireland; and certainly to deprive the Appellate Court of the unanimity which was necessary in the Court of First Instance would very materially shake the confidence of the Irish people in that Court. This was a very important thing to look at in a country where there was already, as he had said, a want of confidence, to a certain extent, in the administration of justice. If he were inclined to enter into statistics, he could show that one of the greatest obstructions to the peace and tranquillity of Ireland was this want of confidence in the administration of justice; and he contended that the adoption of provisions of this kind would very materially increase that want of confidence. It certainly was an extraordinary thing to say that three Judges should not procure an acquittal in one case when the dissent of one Judge in another case would be amply sufficient. The people of Ireland would certainly not be able to understand the distinction; and he thought they were bound to do all they could to show that this Court, exceptional as it was and objected to as it was by the country and the Representatives of the Irish people, would be as little objectionable as possible. He begged to move the Amendment of which he had given Notice.

Amendment proposed,

In page 3, line 9, after "The," leave out to end of sub-section (3), and insert "appellant shall be acquitted unless the whole Court of Criminal Appeal concur in the determination of the appeal."—(*Mr. Marum.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

The ATTORNEY GENERAL (Sir Henry James) said, the hon. Gentleman was not quite correct in stating that this Amendment would put the Appellate Court in the same position as a jury, and would secure to a prisoner the same advantages as he would have if tried by a jury. The hon. Member sought to make out that if one juryman differed, the prisoner would be acquitted. That was not the fact. If one of the jury differed from the rest, there was a new trial. The prisoner, therefore, in that case, was put on his trial a second time; but by this Amendment the hon. Gentleman provided that, in case of a disagreement on the part of one Judge, there should be an absolute acquittal, and that if out of eight Judges seven were in favour of a conviction and one differed, that difference should prevail to the extent of declaring that the man was not guilty. He felt bound to oppose the Amendment, because, although the Government thought there should be unanimity in the first tribunal in order to secure a conviction, they were, nevertheless, of opinion that the second tribunal might overrule the conviction by a majority of Judges. That would practically leave the law as it stood at the present moment.

Mr. LEAMY said, that the appeal under this Act amounted to a new trial. It was proposed virtually to give the prisoner a new jury. In the Court of First Instance, if the three Judges were not entirely unanimous, the accused person was acquitted, so that one Judge out of three could bring about an acquittal, and the man could not be tried again. The new Court of Appeal would constitute a perfectly new jury, composed of five Judges, none of whom would have been upon the first jury. Two out of these five Judges might think the man innocent, and there was a possibility that one out of the Court of First Instance might have considered the man innocent.

The ATTORNEY GENERAL (Sir Henry James) said, the hon. Member was entirely mistaken, because in the Court of First Instance the Judges must be unanimous.

Mr. LEAMY said, he accepted the correction. Unless the three Judges were unanimous the man would be acquitted. Even if two were in favour of a conviction, the other dissenting Judge would bring about an acquittal. But, in the case of five Judges in the Court of Appeal, two might be in favour of an acquittal, and, nevertheless, if the other three went the other way, the conviction would hold good. Take the case of a man charged with murder, and suppose the man were convicted by the Court of First Instance, and the case were sent up to the Court of Appeal. Suppose, then, that two out of five Judges held that the conviction was wrong, would it be possible, in the face of public opinion, to hang that man, when two of the Judges who tried him were of opinion that he was innocent? He submitted that it would not be possible to do so, and, therefore, there was a great objection to allow the second tribunal to do that which the first could not do.

Mr. HEALY said, there was one other consideration which had been raised, and that was that the clause as it stood would, on the whole, degrade the Judges. It was contended that the Court of First Instance was placed on the low level of an ordinary jury in a horse-stealing case. In such a case one juryman could upset the entire verdict of the rest, and the same consequences should follow if there were one dissenting Judge in the Court of First Instance. But in the Court of Appeal it was contended that even two dissenting Judges would not be able to bring about the same result. If the proposal that there should be unanimity in the one case was good, why should it not be necessary all along the line? If they were going to give a verdict to a majority in a special Bill of this kind, after having constituted the Judges the jurymen, why not apply the same principle to all cases? If it was available in one particular instance, why not adhere to it always? In the Court of Appeal they might have one or two Judges differing from their colleagues, and, although, as Judges, they were men of judicial power, calmness, and great decision, they were not to have the same weight and authority as an ordinary juryman in the most trumpery criminal case. The disagreement of a juryman with his colleagues would upset the whole trial; but one of the Judges of the land, a man who was not likely to arrive at any conclusion until he had given the case the most careful consideration, and who would fully appreciate the gravity of the position, was thought so little of in this Bill that, although he disagreed with his colleagues, his dissent would not be sufficient to upset the conviction. Was this the position Her Majesty's Government wished to take up? In establishing the Court of First Instance they praised the Judges to the highest possible pitch. They said the Judges were a tribunal they must all respect, that they were men of impartiality, standing, candour, and so forth; but, nevertheless, they were not of sufficiently high character to warrant Parliament in intrusting to them the lives of Her Majesty's subjects. In an ordinary tribunal, if one man thought that a man put upon his trial for a criminal offence was not guilty, he could upset the whole proceeding; whereas one of the Judges of the land, in a case of murder, was to have less power than a juryman in an ordinary case of felony. This Bill was a bundle of inconsistencies from first to last; but of all the inconsistencies of which the Government were guilty, the worst was in placing the measure before Parliament with two voices. While, on the one hand, they praised the Judges as the only tribunal which could give a fair and impartial decision, on the other, when it came to a question of appeal, they thought so little of them that they refused to repose in them the powers that were given to an ordinary juryman.

SIR WILLIAM HARCOURT said, he did not think that the Judges would be degraded by this proposal. If they were, they had been degraded long ago, because upon questions of law which did not deal with questions of fact, a man's life might depend upon a majority of one. In the Court of Criminal Cases Reserved questions of law in a murder case were decided by a majority. There might be 11 Judges, or any number, sitting in the Court, and a decision involving the life of a man would be determined by the vote of a majority, although the majority might, perhaps, be only one. One Judge could not, therefore, in that Court veto the opinion of all the rest. In the House of Lords, which was the highest Court of Appeal, the Lord Chancellor had no power to veto the opinion of the rest of his Colleagues if that opinion was given against him; and, therefore, in all the cases where the Judges acted as a Court of Appeal, the decision was really by a majority, and sometimes by a very small majority indeed, and the Judges did not exhibit any appearance of having been degraded by the practice. It was quite true that in some parts of the United Kingdom, although not in all, they adopted the principle of unanimity; but many people thought that, excellent as that principle was, it was one which might be reformed. But as regarded the position of the Judges being affected by the fact that one Judge had no power to veto the decision of the majority, that was the ordinary practice at the present moment, and he saw no reason whatever why it should be changed.

MR. METGE said, he thought that the answer of the right hon. and learned Gentleman, as far as it went, was a good one. But the Government seemed to evade the question as to what the grounds were for leaving the case to the determination of the majority of the Judges. He could not understand why in one case unanimity was necessary, while in the other the opinion of the majority was sufficient. If the Government had no confidence in the decision of the majority of Judges in the Court of First Instance, why should they have confidence in the decision of the majority in the Court of Appeal? He could not see any difference between the two cases, and he thought the Government should give some strong ground before the Committee consented to depart from the rule which had been already laid down in regard to the Court of First Instance.

MR. SYNAN said, he could not concur with his hon. Friend behind him (Mr. Metge) that the answer of the right hon. and learned Gentleman the Home Secretary had at all met the real objection which was raised by this Amendment, because his reference to questions of law, decided by the Court of Appeal, had nothing whatever to do with this case, which was in reality that of a new trial before a new tribunal.

At the same time, he thought the Amendment of his hon. Friend went a little too far. He thought a disagreement among the Judges ought not in the Appeal Court to secure an acquittal; but that unanimity ought to be necessary in order to secure a conviction, so that a man might be put upon his trial again. Therefore, if his hon. Friend would shape his Amendment in the manner he (Mr. Synan) suggested, he would certainly support it. The argument of the hon. and learned Attorney General (Sir Henry James) had nothing to do with the case, because the hon. and learned Gentleman had placed the question on an analogy with the case of a new trial before a new jury, asserting that if they disagreed there would not be an acquittal, but that the man would be put on his trial again. But unless this was a new tribunal deciding on a question of fact, the only effect of a disagreement among the Judges, in order to make the analogy complete, would be that a conviction would not be secured, but that the accused would be put upon his trial again.

Mr. GIBSON said, that the suggestion made by his hon. and learned Friend the Member for the county of Limerick (Mr. Synan) practically amounted to this—that if one Judge dissented from the decision of the Court of First Intance, it would be impossible to obtain a decision upon anything. He was bound to say that the Bill, as it was drafted, was exceedingly mild. They had in the Court below given the power to one Judge to overrule the decision of two. That, in itself, was rather a strange power to give; but he would pass that by, seeing that it was already decided, and he had no wish to go back upon it. But to say that in the larger tribunal of five Judges they would allow one to negative the possibility of a decision being given by the Court of Appeal was absurd. He failed, himself, to see any argument in support of the Amendment; and, unless everything was to be reversed according to the ordinary rules by which judicial tribunals were governed, he did not see how a Committee could adopt the principle which had been proposed.

Mr. REDMOND said, it seemed to him that the argument of the right hon. and learned Gentleman who had just spoken did not count for very much. The right hon. and learned Gentleman said that the action of a single Judge would be sufficient, if the suggestion of the hon. Member for Limerick (Mr. Synan) were adopted, to overrule the decision of the Court below.

Mr. GIBSON: And his four colleagues in the Court of Appeal?

Mr. REDMOND: Certainly. But that did not affect what he was about to say. It was, in fact, not really a new trial upon the question of law, as in the case of a criminal appeal for reserved cases, but a completely new trial on questions of fact as well as questions of law. The whole circumstances of the trial might be changed. New facts might be disclosed that were not known at all to the Judges who decided in the first instance; and he must say that it seemed extraordinary to him, in a case of this kind, that the action of a single Judge should be sufficient to secure the conviction and, perhaps, the execution of the prisoner. He had always thought that in criminal cases of this kind the benefit of the doubt was to be given to the accused man; but, in this instance, there might be so strong a doubt as to the facts that two Judges out of five might be convinced that the man was innocent, and yet that doubt would not be sufficient to save the prisoner, perhaps, from execution. It seemed to him that there was another matter that was raised by this Amendment, and that was the way in which the Irish people would look at this tribunal. They must take into consideration the feelings with which the Irish people would view this Bill. They would view the measure, from beginning to end, with distrust; and, instead of attempting to invest the tribunal they were creating with anything that would increase the confidence of the people, they were doing all in their power to diminish that confidence. When the Irish people saw that, in a particular case, a reasonable doubt was entertained by two Judges out of five, and yet this was not sufficient to save a man from execution, they certainly would have very little confidence in the tribunal; and, as he desired to secure a fair trial for every criminal who might be tried under the Bill, he trusted that his hon. Friend the Member for Kilkenny (Mr. Marum) would press the Amendment to a division.

Mr. FIRTH said, the difficulty of the case was that they were dealing with an entirely new and exceptional tribunal. The ground upon which they claimed to establish this tribunal was not that the verdict of the jury ought to be unanimous, but that the verdict would be likely to be biassed by, or subjected to, intimidation. Upon questions of fact, he failed to see that any case had been made out for allowing the judgment of the Court to be that of the majority. With respect to questions of law, the observations of the Home Secretary would certainly apply; and the majority of the Judges might very well decide on questions of law. But, although the decision of the Court of Crown Cases Reserved was given by a majority, it must be borne in mind that it was never given upon a question of fact. Therefore, when sitting as jurymen and judges of fact, he was of opinion that each Judge should have a veto, such as jurymen now possessed.

MR. NEWDEGATE believed that a question had been raised by an hon. Member near him as to the Bill, involving a stigma on the character of the Irish Judges. Now, the case of Ireland was an utterly distinct and exceptional one. The Government had declared that Irish juries could no longer be trusted to give fair and impartial verdicts upon the facts of a criminal case submitted to them, and Parliament had assented to that proposition. All this proved that they were dealing with a totally exceptional case; and he thought that a special tribunal ought to be constituted for the trial of cases under such exceptional circumstances. In short, he shared the opinion which he knew prevailed among a large number of Members on that side of the House—that it would have been better to establish Martial Law than to constitute this new tribunal. As the case was a totally exceptional one, so the treatment should be exceptional; and all attempts to accommodate the forms of the Common Law to a state of things which was practically a state of warfare were most objectionable. He thought it was a dangerous precedent, that it would be perfectly understood, and that it was calculated to undermine the respect which the people should entertain for the Common Law. He hoped the Committee would excuse him for expressing so strong an opinion; but he certainly thought that the employment of the Irish Judges upon the proposed tribunal was a grave mistake.

MR. R. T. REID said, the declaration of Martial Law would really have meant no law at all; and the last example of establishing Martial Law in Jamaica was by no means satisfactory. At the same time, it appeared to him that it would be a most shocking thing if any man in Ireland were to be executed by a Court consisting of five Judges, when two out of the five were of opinion that he was innocent. It must be remembered that the Judges were by this Bill made judges of fact in place of juries; and it was not unreasonable to extend to them the principle which now applied to the decisions of juries. Juries must be unanimous, or otherwise there could be no conviction; and when, instead of 12 jurymen as the first tribunal, they were to constitute a Court of three Judges, and refer their decisions to five other Judges sitting as a Court of Appeal, it was not unreasonable to say that, instead of the unanimous opinion of 12 jurymen, there ought to be the unanimous opinion of the Judges who sat in the place of the jury before a conviction could take place.

SIR EARDLEY WILMOT said, he thought that there was great force in the observation of the right hon. and learned Gentleman below him (Mr. Gibson), that it was objectionable to require the decision in one case to be that of a majority, and in the other to be unanimous. It was proposed by this section to refer appeals to a Court of five Judges, the conviction being affirmed if three were in favour of it, although two might be in favour of an acquittal, and these two, in professional language, strong Judges. He quite agreed with his hon. Friend near him that if such a case as that did occur there would be a feeling on the part of the people of Ireland that the view of the two Judges who were favourable to an acquittal should not be set aside. Therefore, if there happened to be a powerful public opinion upon any particular case, a difficulty might arise. If unanimity was impossible, he would suggest that they might make the proportion greater. Perhaps if it were decided that four-fifths should be in favour of a conviction, they might get rid of a good deal of the objection.

SIR WILLIAM HARCOURT said, he thought that the arguments advanced on both sides were rather self-destructive. His hon. Friend the Member for Hereford (Mr. Reid) supported the view of the hon. Member below the Gangway (Mr. Synan), that there should be a new trial in case of a difference of opinion; but he thought, on consideration, that his hon. Friend would see that there could not be a new trial. Who was to institute the new trial? Was it to be the very same tribunal who had given the first opinion? The Judges being appointed by rota, there would be nobody else to send to it. In criminal cases, when they had a new trial they had a new jury. Then it was said that they ought always to give the prisoner the benefit of the doubt. Every Judge in the Court, sitting as a juryman, would be bound to give the prisoner the benefit of the doubt in the decision at which he arrived; but it was not necessary to give prisoners the benefit of the doubt in cases of criminal appeals, as they were now heard. Doubts might exist in matters of law, but not upon matters of fact; and if there was a doubt in a matter of law it was just as material to the prisoner as a doubt upon a matter of fact. But they did not give the prisoner the benefit of that doubt. In the Court of Criminal Appeal there might be five or six Judges who entertained a doubt or a strong opinion that, by law, the prisoner was not guilty. But did they give him the benefit of that doubt? Not at all. There might be five Judges on one side, and six on the other. The five might think that, by law, the prisoner was not guilty; but he was, nevertheless, liable to be executed if the other six thought that he was guilty. Then, again, it was argued that a strong popular feeling would exist against the execution of the criminal sentence if one or two Judges felt a doubt as to the propriety of the conviction; but that equally applied to a case where five or six Judges entertained a strong opinion that by law a man was not guilty. In point of fact, all these arguments as to the feeling of a doubt in a case were much more proper to be addressed to the Crown, in regard to the exercise of mercy, or upon the question whether the actual sentence should be carried out. No doubt, in such a case it would become a proper matter for consideration. His hon. and learned Friend the Member for Chelsea (Mr. Firth) said the difference between doubts of law and doubts upon questions of fact was very great. He (Sir William Harcourt) was unable to appreciate the distinction. What was the difference between entertaining a doubt whether in fact a man was guilty or whether in law he was guilty? To his mind there was no distinction at all. He could not see why a man's life should be more in jeopardy upon questions of fact than upon questions of law. He ought to have the full benefit of the doubt in either case, and he got the benefit. It seemed to him that both the doubts amounted to exactly the same thing. But upon questions of law it was not so necessary that there should be unanimity as upon questions of fact. It was necessary to guard, in the first instance, against any careless mode of procedure; against anything having been overlooked. It was not unusual for something or other to be overlooked in the first consideration of the matter, and, therefore, it was most desirable to afford an opportunity for re-consideration. It was with this view that the Bill proposed to give an appeal; but it was not considered necessary, in the case of an appeal, that the decision of the Judges should be unanimous, but that if the majority were of opinion that the man was guilty the conviction should then stand.

SIR JOSEPH M'KENNA said, he wished to point out the great distinction between the law in regard to cases of criminal appeal, and the law as it would exist after the passing of this Bill. The cases reserved for the decision of the Judges in criminal appeals were altogether dependent on points of law, and the Judges decided whether the law was clearly stated, and was applicable to a certain condition of facts which had been previously presented to the consideration of the Judges on points of law alone. But he understood that the appeal under this Bill was not entirely an appeal on points of law, but that it amounted to a complete re-hearing of the case; and, for the life of him, he could not see why they should require, in the first instance, complete unanimity or a complete acquittal; and, in the second place, should give to the majority of the Court, on re-hearing, the right to say that the judgment of the

Court below should pass without question. In fact, what they did in creating this Court of Appeal at all was to afford facilities for the consideration of doubts as to the justice of the first conviction. There was no way of getting out of the difficulty except by having an appeal to a single individual; and he ventured to think that an appeal to a single Judge would be better for the prisoner than an appeal to a number of Judges, if the majority were to decide the case; and for this simple reason, that the appeal to a single Judge, if that Judge happened to be in the prisoner's favour, would acquit him, whereas the appeal to a number of Judges merely meant this—that if the prisoner's case were not sufficiently strong to secure a majority in its favour on questions of fact as well as of law, the judgment of the Court below would stand. They were all familiar with the continual reversal of judgments in the Courts below, and it was rarely asserted that in that reversal there was any denial of justice. On the contrary, it frequently happened, on the re-hearing of a case, that new lights were flashed upon it, and it became, as it were, a trial *de novo*. What it was proposed to do in this case was, that where there was a case for a second trial, and sufficient material to shake the judgment of the Court below — indeed, if there was enough to shake it almost completely—nevertheless, if by a majority of one the judgment of the Court below was affirmed, the prisoner would be left for execution. It was not a sufficient answer to the objections that were raised to say that such a case would commend itself to the mercy of the Crown. The point was, not whether the mercy of the Crown should be extended or not. It was whether a man should have been found guilty in the first instance or not, and whether they were to decide that the judgment of the Court below ought to be reversed or not. His own opinion was that the Court of Appeal should decide, once for all, without merely shaking the decision of the Court below. There might be new questions of fact throwing an entirely new light upon the whole of the case, which new questions of fact might not have been submitted to the Court below at all. If it were considered necessary to obtain the confidence of the people of Ireland, he thought the Government should satisfy them that the judgment of the Court below was unshaken, and that, although there had been practically a new trial on questions of fact, no doubt had been expressed as to the propriety of the first decision. It was very well known that cases were frequently remitted from the Courts above to the Court below, with instructions to inquire into statements of fact, so that, in point of fact, cases frequently did occur in which the Court above were of opinion that some questions which had been disposed of ought to be re-considered. He thought that in one shape or another they ought to require the unanimity of the Court before they passed a sentence upon a man which involved the forfeiture of his life.

MR. CHARLES RUSSELL said, his right hon. and learned Friend the Home Secretary seemed to think there was an analogy between this case and the cases referred to in ordinary Courts of Appeal. He (Mr. Charles Russell) failed to see the analogy. On the contrary, there was a wide distinction to be drawn between the majority of Judges deciding upon such questions as those which would be referred to them under this Bill, and the majority upon the ordinary questions of law which were sent up to the Court of Appeal. The questions which came before the Court of Appeal were legal questions; but they were legal questions which assumed admitted questions of fact, which brought home to the prisoner clear moral guilt; and the question which went before the Court of Appeal was generally whether certain technical difficulties existed in regard to the law which had been provided as a safeguard for liberty and life. It seemed to him, therefore, that there was a clear distinction between the two cases, and that the analogy did not hold good. In this case the Judges were to be judges of fact. They were to be the jury as well as the Judges, and the ordinary rule of law with regard to the decisions of the jury was that there should be unanimity. His right hon. Friend seemed to see some difficulty in having a new trial. He said there was no machinery in existence by which a new trial could be ordered. But that did not seem to him (Mr. Charles Russell) to be any real difficulty at all. If the Act provided that there should be a new trial, then the Lord Lieutenant would be called upon to issue a new Commission; and there was nothing to prevent the machinery for a new trial being created by an Act of Parliament. He thought it was desirable, as this was a very serious departure, and a departure which he, for one, sincerely regretted, and which he viewed with very great apprehension, that if the change was to be effected it ought to be surrounded in every way by safeguards, as far as possible, especially when it had been already pointed out that the confidence of the Irish people in the administration of justice so to be administered was already shaken.

MR. WARTON wished to remind the Committee that all this difficulty, and a very serious difficulty, indeed, it was, arose from the ill-considered nature of the clause. If last night the Committee had not exhibited that extreme desire to hurry through Sections 2 and 3 in the course of half-an-hour, they would have saved the time of the House by listening more patiently to the arguments of those who had given the subject mature consideration. He was not saying this for the purpose of embarrassing the Government, because, as far as his humble power went, he wished to give them every assistance; but he wished to point out that they were now a consultative Body, and the questions they were in consultation upon had reference to the constitution of a very complicated Court of Appeal. He was not surprised at the very large number of difficulties which had been raised in regard to the proposal of the Government. One difficulty was, to give an appeal at all on matters of fact. An appeal was generally confined to disputed questions of law; but he regretted to find that hon. Members, possessing minds and intellects of the highest order, like the hon. and learned Member for Dundalk (Mr. Charles Russell), were stooping to the level of advocates who endeavoured to get off a prisoner at whatever cost. He hoped still to see the Government take courage and strike out of the Bill everything in it that related to giving an appeal upon matters of fact. In regard to an appeal on matters of law, the Home Secretary had already stated what the practice was in the Court of Crown Cases Reserved. In that Court, six Judges could over-rule the opinions of five; but by the constitution of the Court of Crown Cases Reserved, an appeal on matters of law was heard, in the first place, by five Judges; and if these Judges differed, then it was heard before all the Judges. Therefore, when the right hon. and learned Gentleman the Home Secretary expressed an opinion that there was an analogy between the two cases, that analogy was not quite complete, because, if any Judge out of the five differed at all, the case must go to the Court above. Personally, he objected to this appeal altogether; and, considering the limited number of the Irish Judges, and also the fact that they would already have appointed three to act upon the Special Commission, he did not see how the ordinary business of the country was to be conducted if many of these cases came before the Court of Appeal. He would suggest to the Government that the Bill was also defective in reference to the reasons of the Judges which were to be submitted to the Court of Appeal. A shorthand-writer was to take notes of the evidence; but he failed to see how any shorthand-writer could give the reasons of the Judges. He could only give what he imagined to be their reasons. So far as the present Appeal Court was concerned, the practice was for the Judge who tried the case to state a case for the information of the Court above; but there would be no such case stated for the information of the Court above, under this Bill. He would suggest that no point of law should be reserved unless it had been taken by the counsel at the trial.

MR. SERJEANT SIMON said, he concurred with his hon. and learned Friend the Member for Dundalk (Mr. C. Russell), that there was no analogy between an appeal on questions of fact and the appeal to the Court of Crown Cases Reserved on questions of law. The jury found a man guilty of the offence charged against him, and the subject of appeal was always upon questions of law, irrespective of any question of fact. The matter for the consideration of the Court of Crown Cases Reserved was simply and solely the question of law, and it was no part of the province of the Court to determine a question of fact. The arguments of his right hon. and learned Friend the Home Secretary were, therefore, illogical. This was a matter which went altogether beyond the do-main of politics. It was a matter which had to do with public sentiment, and the House of Commons ought not to ignore that public sentiment. Take the case of murder. They gave an appeal from three Judges to a higher Court, composed of six Judges, or, taking the lowest number mentioned in the Bill, five Judges. Did anyone think that it would be possible for any Government to execute a man who was found guilty by three out of five Judges only? He ventured to think not. The public feeling would be outraged, and such a Court would not be endured at all. If that were the case, why should they not require unanimity? Why should they be satisfied with a conviction by three Judges, when they felt that they ought not to act upon it, and when they dare not act upon it, because, if they did, they would outrage public opinion? Then why should they not require that all convictions upon matters of fact should be unanimous? At the same time, he could not support the Amendment, because he thought it was too large. But if the hon. Member would introduce words requiring the decisions of the Court to be unanimous on questions of fact, he should certainly support it, and he hoped his hon. and learned Friend would re-consider the Amendment with that view. He was afraid that the Bill was altogether an outrage upon the natural instincts of Englishmen. Englishmen were accustomed to trial by jury, and it was a tremendous wrench all of them were making when they agreed to take away that safeguard which had been provided for the liberties of the people, and when they were deliberately depriving a prisoner of the judgment of his peers. He deeply regretted that the Government had been obliged to introduce a clause of this kind. He was afraid, however, that it was an inevitable necessity, although he should have much preferred to see some other mode adopted for dealing with the question. Perhaps a jury of 18 instead of 12, requiring the unanimous verdict of 12 out of the 18, would meet the case. He presumed this question had been fairly considered by the Government, but that they had not been able to see their way to the adoption of such a plan. But as they had taken away trial by jury in order to meet a special emergency, he thought they were bound to guard it in every way, so as not to ignore the well-known principles of our jurisprudence further than was absolutely necessary. It had always been held that there should be unanimity on questions of fact. The real analogy lay there, and not between the provisions of the present Bill and an appeal on questions of law. The true analogy would be obtained by carrying out the principles of unanimity on questions of fact, leaving questions of law as they were now to be decided in the Court of Appeal by a majority. He hoped the hon. and learned Member would accept this suggestion, and amend the Amendment.

MR. O'SHAUGHNESSY said, that it was not the principle of giving a prisoner the benefit of the doubt that they were now trying to assert. What they were trying to assert was the principle of unanimity. If the Bill were allowed to stand as it was now drawn, the result would be this, that out of eight men who tried a case, six would be able to convict, although two might dissent, and be in favour of an acquittal. But as the law stood at present, before they convicted, they required the unanimity of 12 men. He quite agreed with the Home Secretary that a new trial was not to be thought of, and for this reason, that the going before the Court of Appeal would be in reality a new trial. It was proposed to take a case before a new Court composed of five Judges, not for the mere purpose of trying questions of law, but for re-hearing the whole case and deciding on questions of fact. That, in itself, was a new trial, and ought to be guarded by all the circumstances of a new trial. The Home Secretary failed to see any distinction in regard to the purposes of the Bill between questions of law and questions of fact; but already an analogous tribunal existed for the purpose of deciding criminal appeals, and in that tribunal the distinction which the Home Secretary failed to see was drawn. The law fully recognized that a majority on questions of law might be sufficient, but that in regard to all questions of fact there must be absolute unanimity. There was also this distinction to be borne in mind. An attempt had been made to create an analogy between this case and the case of the Court of Crown Cases Reserved; but there was no analogy whatever between the two

Courts. One was a Court solely for the consideration of questions of law; while the Court of Appeal it was proposed to establish was as much a Court for the decision of matters of fact as a jury of 12 men. The right hon. and learned Gentleman said that the cause of the dissent of two Judges was a thing which would weigh with the Executive just the same as a recommendation of the jury to mercy, when it became a question of inflicting a severe punishment. But he was sorry to say that this was not the experience they had had in Ireland in analogous cases. They had had cases in Ireland where jurymen had disagreed one day, and where a new jury was sworn to try the same case, and on the second jury convicting, the sentence was carried out. Therefore, they could not hope that this result would invariably follow on the dissent of two Judges, because the mere fact of a disagreement on the part of the first jury, in the case he mentioned, showed that there were doubts entertained, and that there was a considerable amount of dissent. He would suggest to his hon. and learned Friend the Member for Kilkenny (Mr. Marum) that he should add to the Amendment words to this effect—

> "That the appellant should be acquitted unless the whole Court of Criminal Appeal concurred in the determination of the appeal on questions of fact."

He thought it might be possible to add these words, and the principle of the majority deciding on questions of law would not be disturbed.

Mr. MARUM said, he should be glad to avail himself of the suggestion which had been made on the other side with reference to the distinction between matters of law and matters of fact. The Amendment would then run in this way—

> "The appellant shall be acquitted on matters of fact unless the whole Court of Criminal Appeal concur in the determination of the appeal."

He would, however, if the Government accepted this suggestion, leave the drafting of the clause in its details to the Government themselves. After the expression of opinion which had been elicited from all sides of the House, he trusted the Government would, in the face of so great a body of feeling, consent to the amendment of the clause in its present shape. He concurred in the statements which had been made that, as a matter of sentiment, the proposal to deprive the people of Ireland of trial by jury would be very distasteful in this country, and, therefore, it ought to be safeguarded in every shape and form with reference to the sentiment of the people. They were now going to try persons accused of crime by a Judge without a jury, and they ought to throw around the proceeding all the elements of trial by jury as far as possible. One of the most important of these elements was that there should be unanimity in the decision. If the Government desired to secure the confidence of the Irish people in their legislation, they would certainly accept this Amendment.

Mr. GIBSON said, that, as for high considerations of proved expediency, it was thought right to suspend trial by jury for the purposes of this Bill, why, in the name of common sense, should they set up in its place an impossible and unworkable tribunal? They should either retain the existing system with all its imperfections, or else set up in its place something that would work satisfactorily. When hon. Members talked of safeguards, what was evidently present in their mind was that it was desirable to make the working of the new tribunal impossible. They might surround it with so many safeguards that they would make it absolutely impossible to arrive at any decision at all. Take the statements that had been made that there must be unanimity throughout in regard to matters of fact. It was said that the Court of First Instance was to follow the analogy of the jury, and to be unanimous in their conviction of an accused person; but they had got more than that in the Bill, as framed by the Home Secretary. If a jury disagreed and was not unanimous, the consequence was not an acquittal, but that the man could be tried again. Here, however, the Court of First Instance was so constituted that if it disagreed, the analogy of the jury system was not followed, but an acquittal resulted. That being so, he should like to ask if the analogy of the jury was followed up? The three Judges of First Instance were supposed to be in the place of a jury, but in the existing system of a criminal jury trial there was the power of getting a second trial before another jury. There was nothing of that kind here. In addition to the changes he had indicated, there was the power of taking the case to another Court, on dissatisfaction being expressed at the result—because, really, it came to that, without any certificate of the Judge that there were reasonable grounds for an appeal. On the mere motion of the criminal that he would like to have another chance, and without any suggestion from the Bench that they themselves desired to have certain cases referred, the case could be reviewed. The prisoner, who naturally would always be dissatisfied with every sentence, and extremely dissatisfied with every conviction, had power to bring on the case again on an appeal from one tribunal to a larger tribunal; and the contention now was, that that larger tribunal was again to be subjected to all the analogies of a jury trial. If that were done, they practically surrounded the case with what were called safeguards to such an extent that they ran the risk of giving far greater impunity to crime under the new system than could possibly exist under the old one. In the Amendment suggested by his hon. Friend the Member for Kilkenny (Mr. Marum), the hon. Member himself departed from the analogy of the jury system, because in the event of the Court of First Instance being unanimous upon the question of guilt and sentence, the Court being composed of three of the highest Judges of the land, the case was to go before a tribunal of five Judges. In that tribunal the judgment might be affirmed by four to one, the four being four of the highest Judges in Ireland. Practically, therefore, there would be seven to one in favour of a conviction; but the result would be that the dissent of the one Judge would acquit the prisoner. The effect of the dissent of the one Judge would not be the same as the disagreement of a jury, but would amount to a direct acquittal. He thought it was impossible to carry safeguarding to a more absurd extreme.

SIR WILLIAM HARCOURT said, he had listened very carefully to the debate, and he was bound to say that it had not altered the views he had already formed on the subject. He thought his hon. Friend the Member for Limerick (Mr. Synan) would see how utterly impracticable it would be to give a new trial. It was absurd when, for instance, a man had been unanimously convicted, and four Judges out of five had affirmed the decision, that the dissent of one Judge should operate to send the case for a fresh trial. The result would in that case be three distinct trials. In his opinion, the introduction of such a provision would entirely defeat the object of the Bill; and, after all, they would not get rid of this doubt which was spoken of as being of so much importance in regard to the sentiment of the people. Even if a new Court confirmed the decision of the first tribunal, the prisoner would always be able to refer to one Judge as having been in his favour; and however many Judges might give a decision in the case, and however many convictions there might be, he would always be able to turn round and say there was one Judge who differed. Therefore, no trial would, in the least degree, cure or mend the evil they were asked to guard against. The only question to consider was, whether they would get a sufficient preponderance of opinion on the part of the Judges in the case. His hon. and learned Friend (Mr. C. Russell), who, no doubt, had had great experience, had stated that the Court for Crown Cases Reserved was always confined to the consideration of questions of law. His hon. and learned Friend said the questions brought before that Court were technical questions. But they were not all of them technical questions. Take the question of treason. Supposing an appeal to the Court of Crown Cases Reserved were made in a case of this kind, and the question was whether a certain thing was treason or not. Certainly, that was not a technical question, but it was a question of substance and of Common Law, whether particular conduct of moral guilt amounted to treason. The matter would stand thus. There would be certain conduct on the part of a certain man, or of a number of men, and the question of law would be whether that conduct constituted treason. They allowed that to be determined by the vote of one Judge. It was quite true that by long immemorial practice unanimity was required in all cases that were tried by a jury; but when they came to a Bill which changed the whole of the procedure in cases of this kind, there was no sort of reason why they should be bound by anything beyond the desirability of the thing. Certainly, nothing which had occurred during the course of the debate had altered his opinion, and the suggestion which had been made to confine the unanimity to questions of fact would do very little towards removing the evils that were complained of in regard to dissenting Judges. He was bound to say, having carefully considered the whole subject, that he saw no reason for departing from the principle laid down in the Bill.

Mr. O'DONNELL said, he was not much surprised at the line of argument used by the Irish Representative of the Front Opposition Bench (Mr. Gibson)—or, rather, the Representative of Irish coercion on the Front Opposition Bench, for the term "Irish Representative" was rather a misnomer. The right hon. and learned Gentleman the Representative of the University of Dublin objected to the multiplication of safeguards in connection with the new tribunal. The drift of the right hon. and learned Gentleman's speech was to support the proposition that the great thing was to hang somebody; and it must be remembered, in justice to the right hon. and learned Gentleman, that that was the great principle of the packed jury system during all the long years of Tory domination in Ireland. Juries were then so constituted that they certainly hung the men they were asked to hang. Her Majesty's Government were not satisfied with this packed jury of Judges; but they objected to having even unanimity in their packed jury. It must be said on behalf of the old system in Ireland that a packed jury had to be unanimous. They had now a distinct packed jury, and the fact that the jurors were paid Government nominees, instead of being unpaid supporters of law and order under the old system, was by no means an argument in favour of the new packed jury. It was only yesterday that the Home Secretary mentioned in that House that the appeal to the five Judges would be really a new trial on new facts. Well, he wanted to know why unanimity was to be required in regard to the facts brought forward at the first trial, and unanimity was not to be required in regard to the new facts—which were, at least, matters of as great importance—that were brought forward on the second trial? The Government asked them to consider the case of four Judges being in favour of the guilt of the prisoner on the second trial, and one Judge being in favour of his acquittal; but it might be the case that three Judges only were in favour of finding the prisoner guilty, and that two Judges might be in favour of an acquittal, and yet the Government would hang the prisoner on a bare majority of one vote in a packed jury of Government nominees. They had been talking about the effect of all this on popular feeling in Ireland. He asked the Committee to consider for a moment what must be the effect upon a packed jury of Government nominees. He asked what must be the effect on public opinion in Ireland of a man being hanged on a single vote in a packed jury of Government nominees? The Government might call that execution as long as they liked; but the people of Ireland would call it murder. He said that a man convicted in a lower Court upon his first trial got his second trial, as he had a right to get it, in the Superior Court, and was there only condemned upon new facts, and upon new evidence given by new witnesses. This constituted absolutely a new trial, and he was to be condemned on that absolutely new trial on the vote of three Government nominees against two. The people of Ireland would consider that the negative of two nominees against conviction would be of more weight than the decision of three nominees for the Crown. When a man was condemned to death by only three votes against two, when he suffered that penalty of death, would it not be universally agreed in Ireland that that man had been judicially murdered? He asked the Government what must be the effect of such a rule as this bearing upon the great question of evidence? That difficulty could not be removed by the proposals of this Bill, for although witnesses would always be ready to give evidence before a fair tribunal, before a tribunal where the dice were cogged against the prisoner's life; the witness before such tribunal would, in fact, share the odium of the tribunal itself; aye, and in the tribunal of his own conscience, he would feel himself an accomplice in that judicial murder. Let it be remembered that the only ground on which the Government refused trial by jury was the ground of the alleged partiality of jurors. If it were not for the partiality of jurors they said they would be happy to maintain the existing jury system. That was the statement of Her Majesty's Government; but they could not, on their own principles, impugn the partiality of the tribunal which they themselves selected; and where, then, was the ground of their objection to unanimity on the part of a jury consisting of impartial and intelligent Judges? In this case the question of unanimity could not arise in an ordinary way, because this jury was to be composed of impartial and intelligent jurors. But the Government denied that intelligent and impartial jurors were to be obtained, and that, therefore, they were obliged to have a jury of impartial and intelligent Judges. Why not, *à fortiori*, insist on the unanimity of the tribunal of impartial and intelligent Judges? The Government attacked either the intelligence or the *bona fides* of their own tribunal for the purpose of insuring the condemnation and execution of the accused. The Government, then, professed their want of belief in the capacity of the new Judges, because, had they regarded these Judges as capable, intelligent, and honourable men, they would have insisted upon a verdict by unanimity of votes. That was their own declaration upon their own case. Were this simply a matter of dealing with a question of law, he could understand the action of the Government, because the majority of Judges might be led to decide on the question of law, but not so on questions of fact. The appeal to this Court would constitute a second trial as completely and absolutely as the proceedings before the Special Commission Court or the Court of First Instance was the first trial. As he had already pointed out, it was a new trial, upon new evidence that had never been before the jury on the first trial; and he said that, if unanimity were necessary in the case of the first trial, it was still more necessary to have unanimity on the part of the Judges in the second trial, because the jury in the second trial would be labouring under that great disadvantage to the accused man—they would be labouring under that injury to the accused man—namely, the fact that the jury of Judges in the first trial had found against him. In order, then, to redress the balance in favour of the prisoner, in order to make his trial really a new trial, it was absolutely necessary to have unanimity amongst the new jurors; otherwise, unquestionably, the new tribunal would be prejudiced against the prisoner by the fact that the first trial went against him. He said, therefore, it was absolutely necessary, if the Court was not to be detested by honest men from one end of Ireland to another, as judicial murderers, to have unanimity on the second trial, where so great a prejudice already existed against the prisoner, owing to the result of the first trial. If there remained any respect for the old maxim, "That it was better that 99 guilty men should escape rather than that one innocent person should suffer," then he said there was no justification or palliation for the conduct of a Government which would insist upon having a man tried for his life, found guilty, and executed by the mere majority of one individual in a jury of only five jurors.

SIR EARDLEY WILMOT said, he proposed to amend the Amendment of the hon. Member for Wexford (Mr. Healy) by substituting for the words, "whole Court of Criminal Appeal," the words, "four-fifths of the Court of Criminal Appeal."

THE CHAIRMAN said, that the Amendment could not now be put, inasmuch as the Question before the Committee was, "That the words proposed to be left out stand part of the Bill."

Question put, and *agreed to.*

MR. MARUM said, he understood that the hon. Member who last addressed the Committee had an Amendment to move to the clause; if that were so he would not now move the Amendment standing in his name.

THE CHAIRMAN said, the hon. Member for South Warwickshire came up to the Table of the House with an Amendment, and he informed him that it was impossible that such an Amendment could be put, because the Question before the Committee was, "That the words proposed to be left out stand part of the Bill." That Question was then put to the Commitee, and decided in the affirmative.

MR. SYNAN said, he had an Amendment to Sub-section 3, which he considered he had a right to move.

THE CHAIRMAN said, the words were now part of the clause, that the determination of any appeal should be according to the determination of the majority of the Judges who heard the appeal. The hon. and learned Member for Chelsea (Mr. Firth) had an Amendment upon the Paper next in order, and, consequently, his Amendment had priority.

Mr. CALLAN rose to Order. The hon. and learned Member for Chelsea, not having moved his Amendment, was it not in Order that an Amendment which another hon. Member wished to move could be put?

The CHAIRMAN said, the hon. and learned Member for Chelsea had given Notice of the Amendment on the Paper after the word "appeal," and it was his right now to move that Amendment.

Mr. CALLAN rose to Order. The words down to "appeal" had not been agreed to by the Committee.

The CHAIRMAN said, that the words down to "appeal" had been carried by the Committee on the Question "That the words proposed to be left out stand part of the Clause," which was determined in the affirmative. The words did, therefore, stand part of the clause. That being so, after the word "appeal," the hon. and learned Member for Chelsea had priority.

Mr. SYNAN begged to remind the Chairman that he had given him Notice that in case the Amendment of his hon. and learned Friend were negatived, he should move one that was substantially the same. He was quite willing to put his Amendment after the word "appeal."

The CHAIRMAN said, he must ask the hon. Member not to disturb the proceedings of the Committee. The hon. and learned Member for Chelsea, according to all rule, had priority to move his Amendment after the word "appeal." When that was settled the hon. Member could move.

Mr. FIRTH said, he was bound to say, if the question was one of right, that he should be quite willing to waive his right. If, however, the question was one of the ruling of the Chair, he should proceed with his Amendment.

Mr. SYNAN said, as the hon. and learned Member for Chelsea had not moved, he would now submit his Amendment to the Committee. In doing so he did not intend to occupy any length of time, as the subject had already been fully discussed.

Amendment proposed,

In page 3, line 9, to insert "on the determination of any appeal the whole Court shall agree to secure conviction."—(*Mr. Synan.*)

The Chairman

The CHAIRMAN pointed out to the hon. Member that the words "determination of any appeal shall be" were already part of the Bill. He would now call upon the hon. and learned Member for Chelsea.

Mr. FIRTH said, he accepted the ruling of the Chair, and begged to move the Amendment standing in his name. He had already remarked that we had never had a Court of Appeal on questions of fact in criminal cases, although such appeal existed in civil cases where the Court was equally divided. There was no provision in this Bill as to the number of Judges being odd or even. Having regard to the fact that the Courts of Law had always had a tendency in favour of innocence, he thought, in case the Court were equally divided in opinion, that the appeal should be allowed.

Amendment proposed,

In page 3, line 10, after "appeal," insert "but if such Court be equally divided in opinion, the appeal shall be allowed."—(*Mr. Firth.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, he regretted that he was unable to accept this Amendment; but he had given instructions for an Amendment to be put down to the effect that the Court should always consist of an unequal number of Judges.

Mr. FIRTH said, on that understanding, he was willing to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 3, line 10, at the end of the Clause, to add the words "except in questions of fact, when such determination shall depend on the unanimity of the judges."—(*Mr. Redmond.*)

Question put, "That those words be there added."

The Committee *divided*:—Ayes 55; Noes 216: Majority 161.—(Div. List, No. 111.)

Mr. JUSTIN M'CARTHY asked if it were in Order to add, after the word "appeal," the following words:—

"Except in cases where fresh evidence shall be adduced, in which case the appeal shall only be rejected by the unanimous decision of the Court."

MR. HEALY asked whether it would be in Order to move the omission of the sub-section altogether?

THE CHAIRMAN said, the sub-section had been agreed to.

SIR WILLIAM HARCOURT said, that the Amendment suggested by the hon. Member for Longford (Mr. Justin M'Carthy) was inadmissible in its present form, inasmuch as it would not agree grammatically with the clause as it stood.

THE CHAIRMAN said, the Amendment of the hon. Member for Longford, as far as he understood it, was substantially the same as the Amendment which had just been negatived by the Committee. That Amendment was that, except in questions of fact, there should be unanimity; whereas the Amendment suggested by the hon. Member for Longford was that, except in questions of new fact, there should be unanimity on the part of the Judges. The Amendment, therefore, was not in Order, and could not be put.

MR. REDMOND said, he should not occupy the attention of the Committee at any great length in moving the Amendment which he was about to propose, inasmuch as it turned upon questions which had already been discussed; but, as had been pointed out in the course of this discussion, he was bound to say that it seemed to him the most monstrous thing that a man should be executed for murder in a case where two Judges actually protested that he was innocent. The execution of a man under the present clause of the Bill was really dependent upon the voice of one Judge. It was not fair to say that they must take into consideration that the three Judges in the previous trial had been unanimous in their decision, because, in the previous trial, the facts before the Court might have been incomplete, and the five Judges might have to try the man on a totally different state of facts and evidence to that which the Court below had before it. In point of fact, it would be an entirely new trial, and in the Court of Appeal a man's life depended, as he had said before, on the opinion of one Judge. It was, he thought, useless to argue in favour of a clause which contained a provision of this kind, and it was useless to think there would be any respect among Irish people for a tribunal which convicted a man on one vote. If the Government desired that the people in Ireland should believe that it was not the wish of the House of Commons that a man should be convicted, although innocent, and executed for crimes which he had never committed, it was essential that they should make some provision of the kind which he ventured to propose in his Amendment. He desired that there should be a new trial. Hon. Members had been told it would be a mischievous thing to have three trials; but there had been instances of three trials in cases where juries had disagreed; and he could not see why, now that the safeguard of a jury had been taken away, there should not be a third trial. It had been pointed out clearly by the hon. and learned Member for Dundalk (Mr. Charles Russell) that there would be no difficulty in this; and, as he (Mr. Redmond) had already pointed out, in reality there would not be three trials, for the trial he had in view would be only a second trial. It would be that the Judges were to decide on a new set of evidence and new facts. Now, the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) seemed to object to the introducing of any safeguards into this Bill. [MR. GIBSON: No.] The right hon. and learned Member said "No"—he did not actually use the words that he objected to the introduction of any safeguards; but he said that their introduction might lead to interference with the tribunal, and that they would not work satisfactorily. He seemed to go on the principle that trial by jury should be maintained in its present form, or else that they should sweep away every safeguard that the accused man should have. He was unable to see how the right hon. and learned Gentleman could get out of that position if he objected to introduce safeguards whereby the accused possibly might escape conviction for crimes they had not committed, by the provision which enabled the Judges to disagree upon new facts. He could not see how he could object to the introduction of this Amendment, if no new evidence were forthcoming before the second tribunal. He could understand the right hon. and learned Gentleman arguing in favour of the proposal in the Bill; but where new evidence might be forthcoming, and where new facts might have come to light, he said then that it was right that the Judges should be just as unanimous in the second case as they were in the first. The Amendment he was about to move exempted from the operation of the Bill cases of treason and treason-felony and cases of murder.

Amendment proposed,

In page 2, at the end of the Clause, to add the words "except in cases of murder, treason, and treason-felony, when such determination shall depend on the unanimity of the judges."—(*Mr. Redmond.*)

Question proposed, "That those words be there added."

Sir WILLIAM HARCOURT said, the hon. Member had very fairly admitted that there was not much more to be said upon the subject. The hon. Member asked whether it was conceivable that any man's life and death, that the fate of a man, should depend on the voice of one Judge, either in England or Ireland? But, in the Court of Crown Cases Reserved, it was well known that, in matters of law, the fate of a man might depend upon the voice of one man. He had said, over and over again, it was plain, if a man was not guilty in law, he was just as much not guilty as if he were not guilty in fact; and if you executed a man not guilty in law, it was just as great an outrage as executing a man who was not guilty in fact. A man might be executed under circumstances in which a considerable number of Judges had declared their opinion that, according to the law of the land, his life was not forfeited.

Mr. T. P. O'CONNOR said, there was a family resemblance of a very strong character in the reception which the right hon. and learned Gentleman gave to all the Amendments of an important character proposed from those Benches. The attitude of the right hon. and learned Gentleman, from the beginning, had been one of absolute *non possumus.* He had not admitted a single Amendment of importance.

Sir WILLIAM HARCOURT said, he had accepted 10 yesterday.

Mr. T. P. O'CONNOR said, the right hon. and learned Gentleman, for all he knew, might have accepted 400; but he still maintained his position that he had rejected every Amendment of importance emanating from those Benches. The Amendment before the Committee expressed not only the views of hon. Members near him, but it was also supported by Members of various shades of political opinion on the opposite side of the House—the noble Lord the Member for Calne (Lord Edmond Fitzmaurice), for instance, and other hon. Members. To every one of these Amendments—supported as they had been by a consensus of opinion from all independent sections in that House—the right hon. and learned Gentleman had given a refusal. When the right hon. and learned Gentleman sought support for the measure which he now endeavoured to carry through the House, he applied to those two right hon. and learned Gentlemen the Members for the University of Dublin, who knew—probably better than he did—the purpose to which this Act would be applied in Ireland. The right hon. and learned Gentleman, and his two supporters on the Front Opposition Bench, looked upon this Bill not as a means of putting down crime in Ireland, but as a means of giving a few more years of life to that system of landlordism which he (Mr. T. P. O'Connor) said was doomed. His hon. Friend the Mover of the Amendment before the Committee objected that the life of a man should depend on the voice of one Judge. The right hon. and learned Gentleman the Home Secretary, in reply, said that that was a thing which took place every day. Now, he (Mr. T. P. O'Connor) had a large faith in the powers of the Parliamentary face of the right hon. and learned Gentleman; but he thought upon that occasion, in putting forth such a statement, he had almost excelled the unrivalled powers which he possessed. The right hon. and learned Gentleman said a man's life depended on the word of a single Judge, because it rested with a single Judge to lay down the law.

Sir WILLIAM HARCOURT said, that the majority of one in the Court of Crown Cases Reserved decided the question of law. [Mr. T. P. O'Connor: No.] The hon. Member said "No;" but, unless he were misinformed, the hon. Member was not in the House at the time his statement was made. His statement was that, no doubt, on appeal in case of murder in the Court of Crown Cases Reserved, the question was determined by the voice of one Judge whether the accused was guilty on questions of law, although a minority of five Judges might be of opinion that he was guilty on questions of fact.

MR. T. P. O'CONNOR said, it was an utter perversion to say that the life of a man was dependent on the voice of a single Judge in England in the same sense as it would be under this Bill. He challenged the right hon. and learned Gentleman to produce from recent history a single case in which a prisoner had been executed, or whose execution depended on the voice of a single Judge. So far as the Court of Crown Cases Reserved was concerned, the result might depend on the verdict of a single Judge; but the Committee must bear in mind that behind that Judge there stood the verdict of 12 jurors. The right hon. and learned Gentleman had not adduced a single argument to show that the Court of Appeal would not be virtually deciding a new case in matters of fact and matters of law. He (Mr. T. P. O'Connor) altogether disputed the dictum of the Home Secretary—high authority as he was on matters of law—that a decision on a matter of law was the same as on a matter of fact. In the Court of Crown Cases Reserved, the smallest breach of regulations at the trial, or the smallest breach of the Law of Evidence, or of any other detail, might invalidate a trial for murder. He appealed to the right hon. and learned Gentleman opposite whether that was not so? But if there was a second trial it might involve the question of fact, whether the offender was at the time in the place where the crime was committed. Would anyone say that the small details which he had alluded to as invalidating the trial of the Court below were of the same importance as the question of an *alibi*, which might be raised in the case of a prisoner accused under the present Bill? He thought the Home Secretary very much mistook the spirit of himself and his hon. Friends if he supposed that he was going to carry this Bill easily through the House of Commons without the most strenuous opposition, so long as he took his cue from the two right hon. and learned Gentlemen upon the opposite Benches—the Members for the University of Dublin.

MR. FIRTH said, that the argument was complete that there had not been any occasion where a man had been found guilty and punished for the offence of murder, unless the tribunal before which he came was unanimous in their judgment with regard to the facts on which their judgment was based. It could not be suggested that in Ire- or anywhere else a man could be hanged for murder if two Judges of the land said that the identity of the man who committed the offence had not been established.

MR. MACFARLANE said, he wished to treat this question from a common-sense point of view. He imagined that it was impossible, where the guilt of a man was thoroughly and absolutely established to the entire Court of First Instance, consisting of three Judges, that there should not be a real unanimity in the case of the Appeal Court, consisting of five Judges. He assumed that the Government did not wish to hang anyone who was not certainly guilty, or punish them for manslaughter or any other offence dealt with in this Bill; and, therefore, he could not see why they should so much object to the unanimity proposed. As the matter stood at present, there would be eight Judges trying the case, assuming that there was an appeal. Now, if six Judges were capable of agreeing on matters of facts and matters of law, surely eight Judges might also agree. He believed it would be quite as easy to get unanimity in the upper Court as in the lower Court. As he had already pointed out, it was not conviction that was wanted, but the punishment of guilt; and he was, therefore, quite at a loss to understand why the Government so determinedly opposed everything relating to this Court of Appeal, which was in favour of the prisoner. Her Majesty's Government should remember that they were dealing with exceptional legislation, and that, therefore, exceptional Amendments were permissible. It was only reasonable to suppose that persons who objected to the Bill as a whole would object to it in all its parts. Moreover, it was absolutely their duty to reduce the mischievous effect of the Bill as far as it lay in their power. It was with that object that hon. Members on those Benches, and upon the Benches in front of him, proposed Amendments seeking to mitigate the effect of the Bill. He was sorry that the arguments which had been adduced in favour of this Amendment had been thrown away upon the Home Secretary, of whom it might be said, in the words of the popular song, that—

> "In spite of all temptation
> To understand another nation,
> He remained an Englishman."

Mr. JUSTIN M'CARTHY said, it was hard to understand the views of the right hon. and learned Gentleman the Home Secretary; but he supposed that the difficulty in his own case arose from the fact that he did not possess a judicial mind. As far as he understood the right hon. and learned Gentleman, he gave it as his opinion that fact and law were one and the same subject, and that the Judges were just as well qualified to judge of fact as a jury could be. If that were the position, why not abolish the entire system of trial by jury? What could be the use of going through the form of putting 12 men into a box, when a single Judge could settle both questions of fact and law to the satisfaction of the persons charged and of the community in general? After all, this section of the Bill constituted, in certain cases, distinctly a new trial. Take, for example, the case where fresh evidence was adduced. There the Court had before them an entirely new set of facts. In the first trial, a man could only be convicted on the unanimous decision of three Judges; but, on the second trial, he was to be convicted by the majority of the Judges. Now, he urged upon the Home Secretary whether this was not peculiarly dangerous in the case of trials for treason or treason-felony, because, although a Judge might be able to decide fairly on fact and law taken separately, yet, where so much depended on the relation of facts to law, and where constructive law came in to assist the imperfect statement of evidence, it was highly dangerous to have anything short of a unanimous verdict. Now, the right hon. and learned Gentleman was well acquainted with history, and at one time he had taken the honoured name of "Historicus;" he must, therefore, have in his mind what evidence was furnished by English history with regard to trials for treason. That being so, he asked the right hon. and learned Gentleman where, in the history of the country, there was any instance in which the integrity of the Judges had broken down so much as upon trials for treason. He assumed that the right hon. and learned Gentleman was aware that the Judges had frequently endeavoured to coerce juries, who had stood up against the constructive law laid down by them into convicting persons of treason. In the trial of Lord Dundonald, then Lord Cochrane, the decision was notoriously unfair, and the jury were almost compelled to find according to the ruling of the Judge, rather than according to their own view of the facts. With these things in recollection, it was most dangerous and reactionary to introduce a tribunal which took away trial by jury from the man who most required it, and left men accused of treason wholly at the mercy of the Judges.

Mr. DILLON said, he wished to ask the Home Secretary whether the difficulty with respect to Irish Judges was not likely to arise in regard to the Irish Judges. Nobody, he said, proposed to do away with the unanimity required in the case of a jury; but it was proposed to do away with that in the case of the Judges on the assertion that no jury could be obtained who would not give way to terrorism or to sympathy with crimes, and, therefore, would not convict a prisoner. It appeared to him that the only real argument that could at all apply in the case of not requiring unanimity among the Judges, who were practically a jury for trying matters of fact, was that the Judges seemed to have sympathized with treason and murder; and he did not see how the Government could get out of that dilemma. Then there was another consideration in favour of the Amendment, which he was glad to see proposed, and that was this—he always believed that one of the greatest objects, from a Constitutional point of view, to be gained by the institution of trial by jury, and one of the reasons which induced the people of England to value it so much as a protection for liberty, was not so much that it came into action in regard to ordinary crime, as that the common sense of the country should stand between them and a too strict interpretation of the law on treason and treason-felony, and which might place the subject at the mercy of an Executive too often infuriated by agitation. It was not so long ago that in England—perhaps not 50 years ago—

men held their lives simply by the fact that an English jury could not be got to bow strictly to the legal interpretation of the law on treason; and he knew that the Law of Sedition, which was passed for the purpose of dealing with certain men in Ireland, if legally and strictly interpreted, would place himself and other men who took part in the Land League movement outside the pale of the law. He had heard it laid down by an Irish Judge that practically almost any political action would come within the law on sedition. He had studied that law, and he believed no man could condemn the action of the Judges without being held guilty of sedition, if the interpretation of the law was strained. There was nothing to prevent anyone who had been trained to lay down the law in the strictest way from sweeping into the net of these Acts every man who spoke strongly in condemnation of the action of the Government. If these laws had been enforced in England according to their strictest letter they would long ago have been repealed or modified; but the reason why they had been left on the Statute Book was that the juries were a sufficient security to the subject against the law being strained. It was now proposed to take from the people of Ireland that protection of the common sense of juries, and to leave them at the mercy of Acts; but if this was enforced he was sure public feeling, and the feeling in this House, would revolt against that enforcement. He could not understand why the Government had determined to withdraw that protection from the people of Ireland in regard to political action, and also to refuse to give to them the slight protection of the unanimity of the Judges. He could not see why such refusal did not amount to an impeachment of the Irish Judges; and surely, from an English point of view, it was a very much worse charge than ever the Irish Members had aimed at the Irish Judges. They were prepared to prove that the Irish Judges, by their speeches from the Judicial Bench, by their well-known opinions in private, were not fit to try matters of fact where politics were involved. Nine out of every ten people in Ireland believed that, but they had never said the Irish Judges had sympathized with treason or murder; and, therefore, the refusal to accept this Amendment was a more severe charge against the Irish Judges than the Irish Members had ever made against them.

DR. COMMINS said, he hoped the Committee would credit those who supported this Amendment with having no intention to propose anything that would protect any person who was really found guilty of murder. What they wanted to do was to protect the innocent, and, as was done in every country that had any jurisprudence at all, to introduce checks against the abuse of the powers under this Act. Judges might have a clearer view of evidence, and be better able to sift the facts and convince each other by argument, than a jury; yet juries were practically unanimous. In England they seldom acquitted, and, notwithstanding all that had been stated, he ventured to say that in Ireland juries seldom acquitted where the evidence showed the accused to be guilty. The Irish Members wished to protect accused, but possibly innocent persons against an abuse of power or a mistake by those who had to administer the law; and one of the great advantages of the English jury system—the praises of which had been sung by the greatest of English political philosophers—was that the jury interposed the strongest and best protection against arbitrary, illegal, unconstitutional, or corrupt action by Judges. Juries stood between innocent persons and a possible abuse of the power of the law. It seemed to him that those who argued in favour of the clause had forgotten that the Criminal Law was an instrument that might be used for a great many purposes than the putting down of crime. It did not lie with the Government to set the law in motion. Any person might set the Criminal Law and all its powers in motion against any person——

THE CHAIRMAN: I must point out to the hon. Member that the only Question before the Committee is whether there shall be a unanimity among the Judges of Appeal in regard to treason, treason-felony, or murder, and there is no question of unanimity of juries.

DR. COMMINS said, his point was that in these cases of treason or murder the unanimity of the Judges of Appeal was as necessary as with the three Judges in the Court of First Instance, because without that unanimity the one great protection previously interposed between the people and the arbitrary power of

Judges was taken away—namely, the protection of interposing juries. If a case was clearly proved by the Court of First Instance, it could not be supposed that the Judges of Appeal were not as clear-sighted and as equally anxious to ascertain the facts as the Court below. New light might be thrown on a case; new evidence might be produced before the case reached the Court of Appeal, in view of which, though it might convince one or two of the Judges, a majority of Judges was yet to be sufficient to support a conviction. There ought not to be that distinction at all, because the protection of juries was being taken away, and the only protection against an abuse of the law was in the unanimity of the Judges of Appeal, as in the case of the Judges of First Instance. In cases of treason, treason-felony, or murder, the Government was not only the nominal, but the real prosecutor. The Government were the power that moved the whole case; they had all the strength to secure a conviction. They could not, and would not, be separated in the minds of the people from the prosecutor; and the Judges were so identified with the Government as their appointees and paid servants, that they ran the enormous risk of having their opinions coloured, and their minds to some extent prejudiced—at all events, they would be believed to be prejudiced, and to have their minds warped by their identification with the prosecutor in these cases. In regard to cases of murder, there was an equally strong reason for unanimity, because there, although the Government were not identified with the Judges, and were not the actual prosecutor, but only nominally so, private malice in every case of murder might accuse any innocent person, and weave round him a web of seeming evidence which it would require the greatest possible skill to appreciate, and there would be one thing which the Judges would not have—namely, the popular instinct, the popular power of knowing whether a witness was telling the truth or not, and of appreciating the character of the prisoner. All these things the Judges would want. The power of the law might be misapplied, and the Judges might be made the instruments of atrocious crimes in regard to innocent persons accused of murder. Let the guilty be punished, but with proper safeguards for the protection of innocent persons. If the Judges were not to be degraded by being made the instruments of private vengeance; if that distrust which at present justly existed in Ireland with regard to the Judges was to be removed, there must be unanimity. The last point of the matter was wholly important. It used to be a principle of English law that it was better that 99 guilty persons should escape than that one innocent person should suffer; but this clause reversed that principle, and seemed to say that it was better 99 innocent persons should suffer than that one guilty person should escape. That was how the Act would be read by the people, and the disposition to regard the law as their enemy would increase instead of diminishing. He could quite understand how difficult it was for English and Scotch Members to realize the state of things existing in Ireland; but every hon. Member was acquainted with the history of his own country——

The CHAIRMAN: The hon. Member is not speaking to the Amendment, and it will be impossible to proceed with the work of the Committee if hon. Members discuss the whole Act and all the clauses upon a single Amendment. The Question before the Committee is, whether the Judges of Appeal shall be unanimous in cases of treason, treason-felony, and murder; and I must ask the hon. Member to keep to that subject.

Dr. COMMINS said, he was trying to keep to that question, and he was about to ask English and Scotch Members what, judging from the history of their own countries, would have been the state of things, if the Judges had had sole power, without juries, to convict people by a majority? Yet that was the kind of tribunal now to be set up in Ireland; and he maintained that, in all these cases, there ought to be this unanimity in the Court of Appeal as in the Court of First Instance.

Mr. SYNAN said, that a great Revolutionist had stated that audacity was the great secret of success in a revolution. He was sorry the Home Secretary was not then on the Treasury Bench, as he wished to pay the right hon. and learned Gentleman a compliment. It seemed to him that audacity in a statesman and a lawyer was also the great secret of success, for the Home Secretary had attempted to repeat, in the presence of lawyers in that House, that the Judges of the land in this country every day found persons guilty of treason and treason-felony and murder. He had never heard such a proposition; but the oftener it was contradicted the oftener it was repeated by the Home Secretary. The right hon. and learned Gentleman wished to deceive those who were ignorant of the law, or he did that knowing that he was perverting language by using words in a double sense—confounding verdicts of juries on facts with questions of law—and he wished to see whether simple Members would accept that notion. The plain question was this. The Government proposed to make the three Judges a jury; they were to form the Court, return the verdict, and pronounce judgment. Then there came the Court of Appeal, which was substantially a Court for a new trial, and again the Home Secretary wished to deceive the Committee.

THE CHAIRMAN: The hon. Member has used the expression that the Home Secretary tried to deceive the Committee. I am sure he did not intend to use that expression, and the hon. Member will withdraw that expression.

MR. SYNAN said, he would not say the Home Secretary had tried to deceive the House, but that he had used language calculated to deceive the Committee. The primary Court was to be a Court and a jury, and to pronounce judgment; but to the Court of Appeal a different rule was applied by the Home Secretary. The right hon. and learned Gentleman called it a Court of Appeal; but it was not a Court of Appeal upon questions of law. It was a tribunal to try facts, and really to enter upon a new trial; and their verdict or judgment would not be an affirming of the Court below, but a new verdict or judgment. In the Court of First Instance the three Judges were to be unanimous; and upon what principle was it that the five Judges in the Court of Appeal need not be unanimous in pronouncing judgment, not upon law, but upon facts? Upon what principle was there a different rule, and upon what principle was it that three out of five Judges could convict a man of treason, treason-felony, or murder? The proposition was ridiculous, and could not for a moment hold water. It could not be believed in by those who made it, and it was calculated to deceive Members of the House who were unacquainted with the law, and had to accept the authority of Gentlemen on the Treasury Bench.

MR. D. GRANT said, he regarded the Amendment as one which it would be wise for the Home Secretary to accept. The present position was such that it was of the greatest importance that the Irish people should feel strongly and distinctly that the judgment given was on the lines of an effort to do justice to them. If, however, under existing circumstances, the people saw sentences passed simply by a majority of Judges they would feel that they were not being fairly treated. He, therefore, hoped the Government would accept the Amendment, not so much because of the question itself, as on account of the evil of a wrong impression in the minds of the people; and he should vote for it himself.

MR. LEAMY said, it appeared to him that for the next three years prisoners would not get the benefit of the doubt. In cases of capital offences the Judges always told the juries that if they had any reasonable doubt they should acquit the prisoner. Irish Members were now asking that in cases in which an appeal was made—in cases of treason, treason-felony, or murder—the Judges to whom the appeal was made should be unanimous in their judgment; and they were asking that simply because it would often happen that new facts would be adduced, which, if they had been produced at the first trial, might have prevented the Judges finding the prisoner guilty. The question had been put several times to the Government whether they would dare to hang a man who was found guilty by a majority of Judges. Everybody knew they would not, and yet they refused to accept this Amendment, knowing that they would not dare to hang a man in England for murder or high treason unless the Judges were all agreed. Under these circumstances, he thought the Government ought to accept the Amendment. Although the Irish Members had proposed many Amendments, the Home Secretary had not assented to any single important Amendment. This Amendment, however, was supported not only by Irish Members, but by many supporters of the Government; and he thought it was nearly time that the Home Secretary should show some readiness to meet the

Committee by accepting this Amendment.

Mr. BIGGAR said, that in cases of treason or murder the prisoner always got the benefit of the doubt, and even if only one Judge out of eight—which was the smallest number that should deal with questions of this kind — was in favour of acquittal, it must be quite clear that there was a substantial doubt as to the justice of the sentence; and more especially was it desirable that the law should not be pressed in such a case, because, of course, if a sentence for murder was carried out, there was no means of restoring a man to life should he be proved to have been innocent. Even in England, where Party prejudices did not run as high as in Ireland, innocent people had often been executed for murders. Not very long ago the man Habron was convicted at Manchester, and he would have been sent to penal servitude if another man had not confessed that he had committed the crime. He believed that some, at least, of the Members of the Government did not desire to have the power of sending people in Ireland to the scaffold when there was reasonable doubt; and in Ireland, under the old system of jury-packing, people had been hung who had afterwards been proved to be perfectly innocent. A disagreement among the jury had in many cases been very beneficial, where it was subsequently proved that the accused persons were innocent, although if they had been convicted they would have been hung. There was the case, for instance, of George M'Cormack in Tipperary, who had a quarrel with two brothers, and afterwards went to America, without telling anyone of his intention. He was supposed to have been murdered, and the men he had quarrelled with, being the last men seen in his company, were put on their trial for his murder. The first jury disagreed, but another jury found them guilty, and they were executed; and yet, a short time afterwards, the man returned from America, and so proved conclusively that the men executed were innocent.

The CHAIRMAN: The hon. Member is not speaking to the subject before the Committee, which is the question of appeal in a particular class of crimes.

Mr. BIGGAR said, he understood the question to be whether the Judges should be unanimous; and he submitted that he was thoroughly justified in showing that there ought to be unanimity, by the fact that innocent persons had been executed for murder. In Armagh, a few years ago, a man was condemned and hung who was afterwards proved to be innocent; and in another case, in which the governor of the gaol represented to the Dublin Castle authorities that he had evidence of the innocence of a certain prisoner; but they insisted on his being hung, because they did not wish the public to discover that they had convicted an innocent man. That was how justice was administered in Ireland; and he did not think there ought to be very rigid rules in discussing such matters.

The CHAIRMAN: I have already warned the hon. Member, and must now ask him to keep strictly to the Amendment before the Committee.

Mr. BIGGAR said, if the Judges were practically unanimous, there could not reasonably be any doubt as to the guilt of a prisoner; but if two out of the five were of opinion that he was not guilty, did the Committee think the authorities would be justified in hanging the man, more especially as according to the police arrangements in Ireland any evidence which the police might have which was calculated to tell in favour of a prisoner would be suppressed, and nothing would be brought forward but what they thought most likely to bring a conviction? It was also known that means would be used by the police to get evidence of a perfectly untrustworthy character with regard to an alleged crime. He thought he had made it pretty clear that such a thing as hanging a prisoner by a bare majority of the Court of Appeal ought not to be allowed, and that the Government ought not to hold that the life of a person should be taken when, in the view of some of the Judges, he was as likely to be innocent as guilty. In all such cases there must be absolute certainty—or, at least, there should be no reasonable doubt; but if two of the Judges held that the prisoner was not guilty there would be something more than a reasonable doubt. Under the circumstances, he thought the Government might agree to this particular Amendment. Then with regard to the question of treason or treason-felony, he did not know that that part of the subject was of so much importance, because, according to experience, for many years no prosecution had taken place in Ireland, or, he believed, in England, for treason or treason-felony, so that the presumption was that during the three years during which this Bill would last probably no person would be put on his trial for either of those offences. At the same time, the fact remained that the Government would have so much power of influencing all the legal machinery in Ireland, and that they had situations for Judges and their relatives. It seemed to him that in these cases, in which the Government and the accused would come into such direct conflict, absolute proof ought to be required to convict a man of guilt. In England, in former times, persons who agitated for the reform of Parliament were put on trial for high treason, with, however, the intervention of a jury. But in this case that intervention was to be taken away; and he could not see on what grounds it could be refused in regard to such charges as treason or treason-felony, such charges being liable to so much doubt as to what constituted the offence. A great deal had been said as to what constituted an offence of treason or treason-felony; and it would only be right that in all cases where there was a reasonable doubt the prisoner should have the benefit of the doubt.

SIR EARDLEY WILMOT said, he could not support the Amendment, because he did not see why there should be less unanimity among the Judges than among jurymen. He deeply regretted that his Amendment had not been put, prescribing that a proportion of four-fifths of the Court of Appeal should decide. Hon. Members on both sides of the House were prepared to accept that proposal; but he was sure it was some unintentional haste on the part of the Chairman which prevented his putting the Amendment.

THE CHAIRMAN: There was no haste on the part of the Chairman. I did simply what it was my duty to do. The hon. Member brought up an Amendment, which could not be moved, on the Question "That these words stand part of the Clause," and not being able to put that Amendment, it was my duty to put the Question, "That these words stand part of the Clause."

SIR EARDLEY WILMOT said, the Chairman had not intimated to the hon. Member in charge of the Amendment——

THE ATTORNEY GENERAL (Sir HENRY JAMES) rose to Order. The Chairman had ruled that the Amendment could not be put; but the hon. Member was now questioning that ruling, and he submitted that the hon. Member could not have done that even at the time, and it was doubly objectionable to do so now.

SIR EARDLEY WILMOT begged to move that the Chairman should now leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Sir Eardley Wilmot.*)

THE CHAIRMAN: The hon. Baronet cannot question what I have already ruled. The Question is that I now leave the Chair.

COLONEL NOLAN said, he thought the Committee need not go on quite so fast, although the Motion to leave the Chair was a very useful safety-valve. An hon. Member had been bringing in cases to show——

THE CHAIRMAN: The hon. and gallant Member is now raising another question of ruling which has been previously settled, and upon this Motion the hon. and gallant Member cannot raise that question.

COLONEL NOLAN said, the question before the Committee was that of the unanimity of Judges, and the hon. Member had been giving certain cases in which innocent persons had actually been hung; and he thought hon. Members ought to have an opportunity of referring to general matters——

THE CHAIRMAN: The hon. and gallant Member cannot, on this Motion, discuss any general Amendment. The hon. Baronet had a right to move that I leave the Chair; but the Committee cannot discuss the ruling I have already given.

COLONEL NOLAN said, he believed any Member could discuss any general subject connected with the Bill on the Motion to leave the Chair.

THE CHAIRMAN: The hon. and gallant Member is under some misapprehension. The hon. Baronet has moved that I do leave the Chair with the hope of discussing questions of Order upon the ruling I had given on an Amendment being out of Order; but he was not in a position to discuss the ruling, and, therefore, the object with which he moved does not exist. As to the claims of the hon. and gallant Member to discuss the Bill generally on a Motion to leave the Chair, that latitude may exist in the House; but it is certainly not allowed in Committee when the Amendment alone is under consideration.

Mr. BIGGAR said, he understood that if the Motion of the hon. Baronet should be agreed to, this Bill would fall to the ground; and, therefore, he submitted that the Committee might discuss some of the questions connected with the merits of the Bill. On the Motion to leave the Chair he thought it was advisable to discuss the general merits of the question.

The CHAIRMAN: The hon. Baronet moved that I do leave the Chair for the specific purpose of raising a point of Order; but the particular point which the hon. Baronet wished to raise could not be brought before the Committee, and any observations must now be upon a point of Order within the Motion. The hon. Baronet's observations were not within the Motion.

Mr. BIGGAR said, that the Chairman's last ruling corroborated his own view; but as the Motion was not made to get leave to discuss some question already decided, and as something had taken place which might kill the Bill, he thought the Committee had a right to discuss the Bill upon this Motion.

The CHAIRMAN: The hon. Member must see that it is perfectly impossible to discuss the general merits of the Bill in Committee under any circumstances. The subject of discussion must be the Amendment which is before the Committee for the moment.

Colonel NOLAN asked whether the Committee might not speak on the Bill upon the Motion to leave the Chair, believing that on such a Motion they were at liberty to discuss any question connected with the Bill. If this Motion would be fatal to the Bill if carried, it was important to discuss everything connected with it; and probably some hon. Members, who would be shut out by the Chairman's ruling, would wish to enter upon some general observations which they could not make on specific Amendments.

Lord EDMOND FITZMAURICE said, the discussion in the Committee had hitherto proceeded in so orderly and amicable a manner that he hoped the ill-timed intervention of the hon. Member for South Warwickshire (Sir Eardley Wilmot) would not be allowed to act as a firebrand thrown into the discussions. He thought he might draw attention to the fact that this Motion had not been made by an Irish Member, but by an English Conservative, and the full responsibility of the Motion should rest upon that hon. Member's shoulders. He earnestly entreated the hon. Member not to press his Motion.

Sir EARDLEY WILMOT said, he was the last person in the House to wish to interpose and delay the Business of the Committee. He had hitherto given a cordial support to the Bill, and should continue to do so; but, in rising to speak to the Amendment, he had simply referred to what he thought had been an injustice to himself in regard to an Amendment respecting the unanimity of the Court of Appeal. He regretted that he had done anything to delay the Business of the Committee, and he would respectfully ask leave to withdraw his Motion.

Mr. BIGGAR said, that this incident was only another illustration of the absurd idea some people had as to trying to save time. The invariable results of these attempts to save time was a waste of time. He believed he had a right to offer such arguments as he thought were legitimate with regard to any particular Amendment before the Committee; and he thought the hon. Member was entitled to the thanks of the Committee for having given them an opportunity of complaining of the manner in which some of their arguments had been treated.

Motion, by leave, *withdrawn.*

Original Question, "That those words be there added," again proposed.

Mr. METGE said, it was of vital importance to everyone connected with Ireland to endeavour to enforce this proposal. The whole theory of this clause of the Bill was that the jury system had broken down in Ireland, and two or three methods of reforming that system had been suggested—one was to raise the status of the jurymen, the other was to limit the number who would decide. By this clause Judges were to take the place of a jury. It was the first duty of all Irish Members to press one and all their Amendments; but, apart from that, he thought the three crimes which it was proposed to place under the control of the Judges were those very crimes upon which the Government had admitted that it was possible to get juries to convict. In regard to charges of treason and treason-felony and murder— and certainly in regard to treason-felony—there had not been a single case brought forward in which a jury had decided in opposition to the weight of evidence; and in regard to murder, he did not believe a jury could be found in Ireland at this moment who, if a case were proved, would deliberately decide against the evidence. Some cases might be cited in which that seemed to be the fact; but Irish Members who had had experience of these things in Ireland knew how such cases were got up, and for that reason he held that they ought to offer their most strenuous opposition to these proposals. He wished the Government could see their way to making some concession in the direction urged by the Irish Members, even if only by raising the majority of Judges from a majority of one to a majority of four. But whether they did that or not, a new departure was being proposed in regard to Ireland. Under the old system the juries were invariably packed by the Government; but under this new system the jury would not only be a packed jury, but it would be a jury of paid officials who had been chosen because of their known opinions and the tendency of their education and career officially and privately. Further, each of them was a member of that Executive which would, in the first instance, issue the laws, which the Judges would afterwords have to decide; and that, he believed, would upset for ever any little confidence that existed in Ireland in regard to the judicial system. That confidence was now very slight, and, in his opinion, that fact was one of the causes of undetected crime being so rife in Ireland. The people were in direct antagonism to the judicial system in Ireland, and regarded it as intended to oppress them; and this new tyrannical measure, he was confident, would sweep away from the mind of every man who had any national aspirations all respect for the judicial system in Ireland, and increase to an enormous extent that crime which the Bill was designed to prevent.

MR. O'DONNELL said, they had arrived at an extremely disappointing part of the Bill. It had already been pointed out that the Government now asked the Committee to authorize the execution of accused persons in Ireland by the casting vote of a single paid servant of the Crown. It was clear that if that provision was maintained, the object of the Bill was not to do justice, but to exasperate the people. The result of the Bill would be only to perpetuate the *régime* of exceptional government. It would be impossible in any excess of crime to introduce so monstrous a proposal into England. The hon. Member for Meath (Mr. Metge), who had just spoken, appealed to the Government whether they had in view, or professed to have in view, the reconsideration of this subject. He (Mr. O'Donnell) believed that the Government had nothing in view in this matter but the satisfaction of English prejudice, and in that point of view this clause was admirably calculated to carry out their purpose. It was a simple act of savage Lynch law, carried through the House with certain State formalities. A proposal that a jury of this kind, composed of salaried Crown servants, were to be empowered to sentence a man to death by the casting vote of a single one of their number, on every point of morality, was infinitely below the verdict of a tumultuous Texan crowd who sentenced a horse-stealer or a murderer to instantaneous execution, and proceeded to carry it out on the bough of the nearest tree. For his own part, he sincerely regretted the obstinacy with which the Government stuck to this clause. He had never despaired of conciliation between England and Ireland until now. He altogether discarded the idea that it was through any real horror of crime that this Bill was being thus persevered with.

THE CHAIRMAN: The hon. Member has just come into the House, and he seems to think that the Question before the Committee is that the clause should stand part of the Bill. That is not so; but what is before the Committee is only an Amendment dealing with murder, treason, and treason-felony.

Mr. O'DONNELL said, the right hon. Gentleman was mistaken. He had been present when the clause was moved, and during three-fourths of the discussion which had taken place upon it; and, although it was only a clause for the trial of Irishmen for treason, treason-felony, and murder, still the observations he was making were intended to impress upon the Government the propriety, the prudence, and the expediency of giving Irishmen a somewhat greater chance for their lives than was proposed to be given to them by this Bill. He was sorry that the right hon. Gentleman should mistake the object with which he was speaking, because, naturally, these interruptions from the Chair interfered with his line of argument, and retarded the progress of the discussion. He would conclude, therefore, by saying that a measure such as this came very badly from the Government of a country whose great rivers rolled hundreds of victims of undiscovered murder to the sea every year. If this clause were passed without Amendment, if the Government of England insisted upon Irishmen being liable to conviction and execution upon the casting vote of a single bad Government servant, he could only say that it was the bounden duty of every Irishman to prevent the success of the Bill by every means in his power.

Mr. BIGGAR said, that, before the Amendment was put from the Chair, he wished to make an appeal to the right hon. and learned Gentleman the Home Secretary. The right hon. and learned Gentleman had charge of the Bill, and some people said it was through his influence that so stringent a measure was being brought in. Whether that was so or not he did not know, and did not very much care. If it were the case, he presumed that it was only for the purpose pointed out by his hon. Friend the Member for Dungarvan (Mr. O'Donnell), that in the exigencies of the so-called Liberal Party it was considered necessary. But he wished to make an appeal to the right hon. and learned Gentleman on this ground—that as far as his (Mr. Biggar's) observation went with regard to his conduct in the capacity he filled as Home Secretary under the present Government, he had always shown, as far as he (Mr. Biggar) could form an opinion, a desire to mitigate the severity of the law, and not to press it to the full extent of its power. They all knew, or, at any rate, it was the common report, that not nearly so many executions in proportion to the number of convictions had taken place under the *régime* of the right hon. and learned Gentleman as had taken place under other Governments. They knew, further, that the right hon. and learned Gentleman had mitigated the punishment of juvenile offenders; and throughout he had exercised the Prerogative of Mercy invested in the Crown to an extent that was unknown in this country prior to the right hon. and learned Gentleman's term of Office. Under these circumstances, he would appeal to the right hon. and learned Gentleman whether he would not act towards the people of Ireland, as far as his influence went, upon the same principle and upon the same lines as those which he had considered it his duty to act upon in his capacity of Home Secretary? If the right hon. and learned Gentleman would do so, he (Mr. Biggar) had not the slightest doubt in his own mind that the right hon. and learned Gentleman would be at once prepared to agree to the Amendment now before the Committee, which simply required that a man, convicted and sentenced to capital punishment by the Court of First Instance, should have an appeal to a second Court, and that the Judges of the Appeal Court should be unanimous before the conviction could be affirmed. That was the entire length to which the Amendment went. If the question contained such an element of doubt that one or two out of the five members of the Court of Appeal should be in favour of an acquittal, he thought, with propriety, the sentence of the first Court should not be carried out. In regard to the other part of the clause, the right hon. and learned Gentleman must be fully aware that in political cases prosecutions never took place except in a time of great excitement; and it was clear that convictions would never take place at all unless the evidence and proof of guilt was of the strongest nature. If there was any room for reasonable doubt as to the guilt of a prisoner charged with treason or treason-felony, it was the custom to give the prisoner the benefit of the doubt. A case of treason, or treason-felony, was not so strong as one of murder, because a man convicted of treason, or treason-felony, would only, at the worst, be sent to penal servitude, with almost the certainty that, after a lapse of time when the excitement had subsided, he would receive a free or conditional pardon. It was different in a case of murder. A prisoner, under such circumstances, ran the risk of being tried, in a time of excitement, by partizan Judges, and of having his life sworn away, although he might be perfectly innocent.

MR. HEALY said, he thought that his hon. Friend the Member for Cavan (Mr. Biggar) had put the case with extreme moderation; and he trusted that the Home Secretary would see his way to accept the Amendment. The right hon. and learned Gentleman found it necessary to interpose in many cases in order to mitigate the severity of a sentence; but the necessity for that interference would be much stronger in a case of treason or treason-felony, or murder, where there was a liability of penal servitude or execution following, than in many of the trumpery cases in which he was now required to interpose. If the right hon. and learned Gentleman was willing, in his own person, to supersede the action of the Courts after sentences were inflicted, the objection to the clause would probably not be so strong; but he did not understand that the right hon. and learned Gentleman would take upon himself the power of reviewing the sentences passed by the new tribunal. At the same time, he could not be of opinion that the Irish Judges—men of learning and legal knowledge—could be persons against whom the Government could apply the faintest suspicion of partiality, or otherwise they would not impose upon them this extra duty. Therefore, when they came to revise a sentence, and were not unanimous in the view they took, he (Mr. Healy) hoped the right hon. and learned Gentleman would be prepared to listen to their doubts in the manner his hon. Friend the Member for Cavan (Mr. Biggar) had pointed out. The right hon. and learned Gentleman the Home Secretary, who himself exercised the Prerogative of Mercy in many cases, remained quite passive when it was argued that a similar prerogative should be exercised by the Irish Judges. The objections to this provision of the Bill were not at all answered by the argument that the Judges were Irish. Personally, he would rather be governed by Englishmen, under the present *régime* in Ireland, than by Irishmen. He would rather have the Home Secretary as an Irish Judge, or as an Irish Law Officer, than an Irishman. He said this with all respect for the Irishmen who filled Offices of the Crown in Ireland; but he would rather deal with Englishmen for this reason. An Englishman was brought up, to a large extent, without bias; he was not reared in the region of prejudice, and fed on all the miserable stories of past Irish history. For his part, he had no sympathy with the complaints that were constantly made in Ireland, that the Chief Secretary, the Lord Lieutenant, and other officers, were Englishmen. He thought it was much better to have Englishmen than Irish place-hunters who sold their country; and it was no answer to the argument now raised to say that the Judges were Irish. He would far rather have an Englishman, reared in English traditions, than a man reared in the Irish traditions prevalent in Dublin Castle. Therefore, he had no objection to urge to the fact that the Lord Lieutenant of Ireland and the Chief Secretary were Englishmen. In this case they had a number of Irish Judges to deal with. No doubt there were a limited number of them who were above all suspicion; and, in the opinion of the Irish people, the verdict given by Baron Fitzgerald in one of these cases, upon a single appeal, might overtop and outweigh the decision of all the other Judges who might sit with him on the Irish Bench. He would give an instance to justify this assertion. A case recently occurred down in Kerry, in which a prisoner was convicted of posting a "no rent" notice; and in a case, either at Leitrim or Carrick-on-Shannon, Baron Fitzgerald refused to allow it even to go before a jury. He (Mr. Healy) knew that was so as a matter of fact. Then, again, in Ireland, it was highly probable that they might have a Judge, with a strictly judicial mind, taking one view, and a partizan Judge taking another; but it appeared to be the view of the Government that a conviction must be had at all hazards, or that justice would not be done. But if the Government really desired justice to be done, they must pay some respect to the popular feeling. In England, not many years ago, they found all the people disagreeing with the decision of the Judge who tried the case of the gas stokers. In that case the whole popular mind was against the judgment of Mr. Justice Brett, and the Home Secretary was obliged to interfere and cut down the imprisonment which had been awarded. That was a case in which the unanimous opinion of England was against the Judges, and the public opinion in England was allowed to have its due effect. But in Ireland what did they have? He was not going to find fault with the Attorney General for Ireland; but he knew that the right hon. and learned Gentleman had been brought up to entertain certain views in regard to treason. The Bill dealt with treason, and it was now proposed to exclude treason, treason-felony, and murder from a non-unanimous decision. The right hon. and learned Gentleman was a very amiable gentleman to deal with in that House. He was always courteous to the Irish Members, and easily approached; but the right hon. and learned Gentleman upon the Bench would be a very different mortal, and he said it with all due respect to the right hon. and learned Gentleman. The right hon. and learned Gentleman would, in that case, have to deal with his own personal views and his own conscientious opinions of what strict law was. The right hon. and learned Gentleman's view of law, however, might be perfect, or it might be imperfect; but, whatever it was, he would have the full power of enforcing it; and he had already intimated that, in his view, the declarations of the hon. Member for the City of Cork (Mr. Parnell) amounted to rank treason. The right hon. and learned Gentleman, in the course of time, would find his way to the Irish Bench; and holding this view that certain declarations amounted to treason or treason-felony, with all due respect to the opinions of the right hon. and learned Gentleman, he thought it was necessary that any view taken by the Irish Judges should be unanimous. He asked the Government if it was worth their while to get verdicts by what he might call the skin of their teeth? Let the Home Secretary, for a moment, take a review of public affairs. Was it desirable, in a time of political passion—and he should not be afraid of this particular portion of the Bill, except in a time of political passion—to put in force a clause of this nature? He was not apprehensive of any verdict which an Irish Court of Appeal might give, except in a moment of political passion. They all knew very well that if his hon. Friend the Member for the City of Cork (Mr. Parnell) had been before the Judges when the Prime Minister made his Guildhall speech, he would inevitably have been sent into penal servitude, seeing the views which prevailed at the time with regard to treason and treason-felony. Taking a careful review of human agencies, was it worth while, seeing that the number of cases would be very few in which this Amendment would come into operation, to waste the time of the House by resisting it? Without putting it as a question of law, but rather as one of administration, was it worth the while of the Government, as public administrators desirous of seeing justice done, to enforce so arbitrary an opinion? While the Home Secretary in that House was so very severe on O'Donovan Rossa, and what he considered to be the rampagious course of certain Irishmen, as an Englishman the right hon. and learned Gentleman was an ornament to the position of Home Secretary; and he could scarcely pay a sufficient tribute to the merits of the right hon. and learned Gentleman in that capacity. But, while he said this, in his dealings with Irish crime the right hon. and learned Gentleman had no stronger opponent than he (Mr. Healy) was. He thought the right hon. and learned Gentleman had allowed his views and prejudices to run away with his judgment; and he asked him whether, on this particular point, he could not import something of English judicial temper into the matter? Why should he allow O'Donovan Rossa to run away with his judgment? They were dealing with a very simple state of facts. He doubted whether two such cases would come up during the three years the Bill was to last. There would certainly not be more in which the majority of the Court of Appeal would differ from their judicial brethren. He would, therefore, appeal to the Home Secretary whether the matter was worth contesting, for, as, he confessed, there was no principle involved in it? He really could not see why the Government should refuse to give way upon the point. The Home Secretary had obtained several clauses of the Bill with great celerity. It was astonishing, considering that the right hon. and learned Gentleman had not given way upon a single point, the absolute ease with which he had obtained the most important clause of the Bill. The right hon. and learned Gentleman was not able to make such rapid progress in the case of the Rabbits Bill, introduced a few years ago, although it only dealt with hares and rabbits, and not with the lives of the Irish people. On that occasion the House was kept up night after night by hon. Members who sympathized with British poachers. Then, why should not the views and feelings of the Irish Members be taken into account here? What was there in the position of the right hon. and learned Gentleman, as the man in charge of the Bill, to prevent him from casting away altogether this exceptional treatment of cases of treason, treason-felony, and murder? The Irish Members believed that the Irish Judges were appointed as a jury to try these cases, because they were Government nominees; and he should have thought the Government would desire to escape from the reflection that a few Government nominees might be afraid of the decision of the more impartial of the Irish Judges. He trusted that the Home Secretary would import into his decision on this point some of that judicial temper and of those attributes of mercy which he had so signally displayed in dealing with the administration of justice in England.

SIR WILLIAM HARCOURT said, that, after the personal appeal which had been made to him by the hon. Member for Wexford (Mr. Healy) and the hon. Member for Meath (Mr. Metge), he could not refuse to say a few words, notwithstanding the fact that he had already spoken several times on the subject, and had said all that he had to say. He had certainly not said much upon this particular Amendment, because he considered that the opinion of the Committee had already been taken very fully upon the principle involved in the Amendment. The hon. Member for Wexford (Mr. Healy) and the hon. Member for Cavan (Mr. Biggar) had been good enough to pay a very undeserved compliment to him upon the administration of the Department with which he was connected; but he wished to point out once more that the administration of the Prerogative of Mercy was a totally different thing from the decision which these Courts would have to give. He had already indicated that if any of the Judges differed upon questions of facts, it would be a very proper consideration to place before the Executive Government in reference to the carrying out of any sentence; and there was not the smallest doubt that a circumstance of that character would have the greatest effect upon the mind of a person occupying the position which he had now the honour to occupy. It would require very strong circumstances indeed to induce him to allow the execution of any person who had been recommended to mercy by the jury, and it would be the same in a case in which doubts were entertained upon questions of fact. The hon. Member for Wexford (Mr. Healy) and the hon. Member for Cavan (Mr. Biggar) said the judgment might be confirmed by a majority of partizan Judges; but that was an argument which he (Sir William Harcourt) could not listen to. The real truth of the matter was that the Government had gone to the extremest limits in protecting the accused. In point of fact, the Bill placed a convicted prisoner in a much better position than he was in at present. There was ordinarily no appeal, either in Ireland or in England, upon facts at all. [MR. HEALY: Yes; but there is a jury.] He assumed that a tribunal of Judges, for the purposes of the present Bill, would be thoroughly impartial; and, so far as the prisoner was concerned, would be quite as good as a jury. A prisoner tried in England would certainly be quite as safe, as fully under the protection of the law, and subjected as much to a merciful construction of the law, as he would be if tried before any jury. [*Cries of* "Oh!" *from the Irish Members.*] That, at any rate, was his conviction. In this Bill it was considered advisable to grant an unusual appeal simply from a desire, not to prevent a conviction by partizan Judges—for there was no reason to anticipate that any of the distinguished men upon the Irish Bench would assume the character of a partizan—but because, in creating a new and extraordinary tribunal, it was considered necessary to provide an appellate machinery in order to give a chance to prisoners which they would not have under ordinary circumstances. The Government felt that that was a desirable thing to do, because the tribunal was a new and extraordinary one, and because they thought it ought to be fenced round with reasonable provisions of this character. He could honestly say that that was the sincere desire of the Government. The hon. Member for Wexford (Mr. Healy) asked why they would not yield. They did not yield because they could not come to the conclusion that it would be right to yield. They had undertaken a grave responsibility in framing this Bill. Of course, they knew that objections would be taken to some of the provisions of the measure. It was only natural that there should be objections. Many of the objections were obvious, and were, of course, in the mind of the Government when the Bill was framed. They had carefully considered every matter, and they were quite aware that there was hardly any question upon which a good deal might not be said on both sides. He trusted that hon. Members opposite would give the Government credit for a desire to arrive at a right conclusion; and they had come to the conclusion that the course which they proposed in regard to an appeal was at once a safe and a humane course towards the prisoners themselves, and that it was also a course consistent with the fair and due administration of justice. Having come to that decision—and the House of Commons, after hearing the arguments on both sides, having pronounced, by a large majority, in favour of the view of the Government—was it reasonable to ask them now to yield to that which they deliberately thought was not the best plan? He was sure that hon. Members opposite would acquit him of anything in the nature of personal obstinacy, when he said that Her Majesty's Government declined to yield, because, in a matter of such consequence, they had already gone to the extreme verge compatible with the proper administration of justice and the maintenance of law and order in Ireland.

Mr. HEALY said, he would ask one question of the right hon. and learned Gentleman before the Committee went to a division. In providing for an appeal, the Government had made no provision in the Bill for the payment of fees to counsel in cases of murder, treason, and treason-felony. Would they be willing, in the event of an appeal to the Appellate Court in the case of a poor prisoner, to do what they had agreed to do in reference to the expenses of witnesses before the Court of First Instance?

Sir WILLIAM HARCOURT said, that, in a matter of that kind, the Government would always be willing to do what was fair and reasonable; and the hon. Member for Wexford (Mr. Healy) would find no obstinacy in him on such a question.

Mr. HEALY: Will the right hon. and learned Gentleman bring up an Amendment in that sense?

Sir WILLIAM HARCOURT: Yes.

Question put.

The Committee *divided:*—Ayes 35; Noes 64: Majority 29.—(Div. List No. 112.)

Motion made, and Question proposed, "That Clause 3, as amended, stand part of the Bill."

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. BIGGAR said, the clause, as it stood, was of a most objectionable character, and its most objectionable feature was that it provided that if the Court of Appeal was composed of six Judges, and they were equally divided in opinion, the decision of the Court below must be confirmed and the conviction stand. In case of such a division of opinion, he certainly thought the benefit of the doubt ought to be given to the accused. There was also another objection to the clause, and that was that it did not recognize the right of appeal in criminal cases. If the Government had agreed to an Amendment which had been proposed to the clause now under consideration, the clause might have been beneficial in its operation; and, in addition, it would have acknowledged a principle of great importance, and one which, sooner or later, must become a common principle of English jurisprudence—namely, the right of appeal in criminal cases. It seemed preposterous that, in civil cases—in which, as a rule, the consideration was merely a monetary one—the right of appeal should be given; but that in criminal cases, in which the liberty, and possibly the life, of a man might be involved, that right was withheld. Under all the circumstances, he considered his Party would do well to divide against the clause.

Question put.

The Committee *divided*:—Ayes 82; Noes 29: Majority 53.—(Div. List, No. 113.)

PART II.

OFFENCES AGAINST THIS ACT.

Clause 4 (Intimidation).

MR. HEALY proposed, in page 3, line 13, before "every," to insert—

"An agreement or combination by two or more persons to do, or procure to be done, any act or thing in contemplation or furtherance of any dispute between landlord and tenant of the character commonly known as agrarian, shall not be indictable as a conspiracy of such act or thing, when committed by one person, would not be punishable as a crime."

THE CHAIRMAN: I do not think that this Amendment comes within the scope of the clause under consideration. As, however, it is within the title of the Bill, it can be brought up as a separate clause.

MR. HEALY asked if the Chairman was aware that the Amendment of which he had given Notice was taken almost word for word from the Conspiracy Act of 1875, and that he proposed to insert the words in a precisely similar place to the place they occupied in the Act he had mentioned? He really was at a loss to know what they were to do if they were not to follow precedent. The only alteration he had made in the words was to substitute for "master and servant" "landlord and tenant;" and he submitted that, having followed the line which Mr. Playfair's Predecessor had permitted in regard to the English Conspiracy Act, if Irish Members were unable to insert the same words in the present Bill?

THE CHAIRMAN: I told the hon. Member the words came within the title of the Bill, but that they could not be properly entertained at this stage of the Bill. As a separate clause the words would be quite in Order.

MR. HEALY said, he presumed that, without being disrespectful to the Chairman, he might venture to offer his opinion. ["Oh!"] Hon. Members seemed to imagine that the Chairman was beyond the region of argument. Now, he thought the Chairman was a very competent person to argue with; and, therefore, he ventured to submit a point to him for his decision. The clause dealt with intimidation, and he proposed this Amendment because, if something of the kind were not adopted, it would be quite possible for a magistrate to hold that such a thing as combination between landlord and tenant amounted to conspiracy. What he wanted to do was to make it clear to the mind of the magistrate who had to administer the Act that such a combination would not be conspiracy.

SIR WILLIAM HARCOURT said, the hon. Gentleman did not seem to understand what the point of Order was. In the Conspiracy Bill this paragraph did appear; and, subject to the Chairman's ruling, he (Sir William Harcourt) would venture to submit that in an Amendment to a clause they could not sweep away everything in the clause, and then interpose at the commencement something altogether new, in the shape of a new Amendment. According to their Rules, it was necessary that something should remain, even if it be only the word "that." The Amendment of the hon. Member, as he would see, left nothing of the clause.

MR. HEALY: It does not interfere with the clause.

SIR WILLIAM HARCOURT said, that the hon. Gentleman proposed to bring in a whole paragraph before the first word of the clause, so as to make it a new clause in itself.

THE CHAIRMAN: I have no doubt whatever about the ruling I have given. The hon. Member drew attention to a previous Act, and seemed to indicate that in the Intimidation Clause of that Act the words which he has placed on the Paper were put in as a preface to that clause. That is not so. The words are not in that clause at all, but in another clause. These words must, if they are moved at all, be moved as a new clause.

MR. HEALY said, he bowed to the ruling of the Chairman. He had taken the words from the 1st clause of the English Act; and he would like to ask the Chairman if he was not entitled to move the words at the beginning of Clause 4; whether he might not move their insertion at the end of the clause? At the end of the Bill the words would be absurd.

THE CHAIRMAN: I have already explained that the cases are not at all similar. These words are in the 3rd clause of the Act of 1875, and the Intimidation Clause is the 7th. The Amendment would not be suitable at this stage, and I rule it can only be brought up as a separate clause.

MR. HEALY said, he would now move, in page 3, line 13, after "who," to insert—

> "Shall be proved, on the complaint of the person or persons alleged to have been aggrieved, to have."

This Amendment, if carried, would necessitate a slight change in a subsequent part of the Bill. For instance, the word "uses," in line 14, would have to be altered to "used," and the word "incites" would have to be changed to "incited." The point was most important, for in Ireland it was generally the police who instituted prosecutions for intimidation. He made a speech in the South of Ireland, and the police chose to consider he had incited somebody. They went to the person alleged to be incited, and that person swore an affidavit at the request and under the compulsion of the stipendiary magistrate. The affidavit was made owing to the intimidation of the stipendiary magistrate, and under the pressure, as they believed, of the agent of the property. What he wanted to lay particular stress upon was, that the stipendiary magistrate who got up the case against him was the very man who afterwards returned him for trial. The whole thing was absurd. The idea of a man acting as policeman and then as Judge and jury was one which could only be met with in a comic drama. He presumed that the Government did not mean to act upon the advice of police and police magistrates; he presumed they would wait until somebody said he had been intimidated, and then proceed upon the alleged act of intimidation. As the clause now stood, any insignificant policeman in Ireland who heard a man had made a speech in denunciation of land-grabbing or landlordism as an abstract thing; and any sub-constable and sub-inspector, or Resident Magistrate, could indict him, and say he had been guilty of intimidation. He wondered if the right hon. and learned Gentleman the Home Secretary was acquainted with the case of Miss Reynolds? She was down in Queen's County, and when a car had been seized by the constabulary she said — "Well, never mind, you can't compel anybody to drive it!" The constable said—"This looks very like intimidation;" and he had her up before Mr. Blake, who gave her six months in gaol. They wanted to avoid subjective intimidation on the part of Mr. Blake and Inspector Smith, and all the tag-rag and bob-tail of the Irish police; and they wanted to have the men who had just complaints coming forward. The argument of the Government, no doubt, would be that an individual would be too much intimidated to come forward; they would say there was a double intimidation—the intimidation of the man who was guilty, and the intimidation of the populace. [MR. GIBSON: Hear, hear!] He was glad to hear so excellent an authority on Irish matters as the right hon. and learned Gentleman offer an opinion on the subject. It would be said, in the first place, that the aggrieved person would be intimidated by the accused; and, in the second place, it would be contended that no one would come forward, because he would be intimidated by the people. He intended, as soon as his Parliamentary duties would permit, to go down to Wexford and make a speech to his constituents. He would tell them that in future they could not say a word against land-grabbing and landlordism; but they must regard the land-grabber as the saviour of Ireland, as a person upon whom all the future——["Question!"] Hon. Gentlemen had better understand the Question before they cried it. He would remind hon. Gentlemen that the Question was that of intimidation, and it was to that Question that he was addressing himself. He was venturing to tell the Committee what kind of speech would only be permissible if the clause were passed in its present shape. When he next met his constituents he promised to eulogize the land-grabber, the bad landlord, and, indeed, everything that was bad in the Irish Government, and then allow the people to draw their own conclusion. Would he be entitled to praise land-grabbing under the Bill? He believed there was once a celebrated case in which it was laid down that gestures and accents could be brought under the cognizance of the law. Was it intended by this Bill to deal with nods and words, and gestures and accents? If so, he should be glad to have the thing laid down, and he would also be pleased to hear whether the Government intended to rest their machinery upon the police? He would like to know what sort of intimidation would be permitted under the Bill? For instance, Mr. Clifford Lloyd came down to County Clare, a few days ago, and said to a certain trader—"Unless you serve out goods to a certain person I shall put you into gaol under the Coercion Act;" and the right hon. Gentleman the late Chief Secretary for Ireland (Mr. W. E. Forster) backed up Mr. Clifford Lloyd by sending the man to prison for six months. For his (Mr. Healy's) part, he thought a clause was very badly needed in the Bill, laying down that intimidation by policemen, or by Sub-Inspectors or Resident Magistrates, should amount to a misdemeanour. In his own case, the wife of the man who was alleged to have been intimidated stated that her husband was compelled to swear the affidavit upon which he (Mr. Healy) was arrested. Was this Bill going to rest upon the action of the police, or was it not? Was it going to rest on the action of men who would simply say that every word spoken or every act done by political opponents was a just cause of complaint; or were the Government going to accept, as he trusted they would, his reasonable Amendment, which provided that no person should be prosecuted unless the person aggrieved made the complaint?

Amendment proposed,

In page 3, line 13, after "who," to insert the words, "shall be proved, on the complaint of the person or persons alleged to have been aggrieved, to have."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, that everybody knew that in the cases of intimidation they desired to put down the people intimidated dare not complain. He had read of a dreadful case in which a man was horribly wounded by a shot, and nothing would induce him to give information for fear that even worse things might happen. To make the clause dependent upon the complaint of the person indicated would be to provide complete immunity from intimidation. If it could only be made sufficiently apparent that the man who made a complaint would suffer for it, they would have intimidation carried out with complete success. That was the reason why the Government could not assent to the Amendment.

MR. HEALY said, that the right hon. and learned Gentleman had dealt with the Amendment in a very summary manner, and he had not touched upon the most important part of it. Who were to be the judges of intimidation? Were the police to decide what was intimidation, or was the right hon. and learned Gentleman to do it? [An hon. MEMBER: The tribunal.] What tribunal? Was Mr. Clifford Lloyd to decide what was intimidation? Was Mr. Henry Blake, who sent Miss Reynolds to gaol for six months because she said no one could be compelled to drive a horse and cart, to be the judge of intimidation? The Home Secretary did not see the importance of the point. If the Government would provide a Judge of intimidation, who should decide upon the merits of a case before it was sent forward, it would be all very well. They, however, did nothing of the sort; they left it with the sub-constable to say what intimidation was. The Home Secretary had given them a very dreadful instance in which a man did not dare to give information. He (Mr. Healy) would give them a case of hardship. He personally was put to great expense, he was kept in terror and panic, so far as his nature would permit, for two months before being brought to trial. Who, he should like to ask, were to decide what was intimidation in such cases as his own? He supposed they would in future have to make speeches in favour of the land-grabber; that they would have to tell the people that the land-grabber, instead of being an enemy, was really a friend of the country; that he had run up the price of land, and, therefore, was a benefactor to the agricultural interest. He presumed they would have to praise bad landlords, and show the advisability of emigration. Might he ask who were to initiate proceedings? Whoever had drawn the Bill in this respect had exhibited great skill. With the exception of one or two points later on in the Bill—which was evidently not drawn by an Irishman or by anybody who knew anything about Irish affairs—the clause was drawn with great skill, because it was carefully excluded from the mind of the Committee who was to be the party to take the initiative. Whether it was to be the local police or the local magistrate there was no indication. The clause simply said—

> "Every person who wrongfully or without legal authority uses intimidation, . . . shall be guilty of an offence against this Act."

Who was the person to form an opinion as to intimidation? Let the Home Secretary get up and answer that question.

Mr. DILLON said, a case occurred a short time ago in the county of Clare bearing on the question involved in the Amendment before the Committee—that was to say, an answer was given to a Question in that House, on the authority of two magistrates—Mr. Clifford Lloyd and another. It was said that certain tenants on a well-known estate had remained out of their houses because they were intimidated from re-entering. Shortly afterwards a document was placed in the hands of hon. Members of that House, signed by every one of the tenants, and not only so, but the document was accompanied by a letter from the parish priest, stating that no intimidation had been exercised on the tenants; that the signatures were obtained in the Presbytery of the chapel without the slightest pressure being put upon the tenants. This was a very serious case, because the statement was made in the House, on the authority of Mr. Clifford Lloyd and another magistrate, that intimidation of the grossest character had been exercised, and was being exercised, towards the tenants. Numbers of men had been sent to gaol for six months, with hard labour, for the intimidation alleged to have been exercised; whereas they had the testimony of the tenants themselves, backed up by the evidence of the parish priest, that no intimidation had been practised towards them, and that the intimidation was alleged simply for political purposes. As the hon. Member for Wexford (Mr. Healy) put it, they should know, before the clause passed, who was to institute proceedings for intimidation. He must say that men—and he was not the first to say it, for he believed the late Chief Secretary had said it, and he was certain Mr. Justice Fitzgerald had said it — were such cowards that they were afraid to complain that this House was very badly employed in defending them. He did not believe, moreover, that the House of Commons would be able to protect them. Any man who was coward enough to be intimidated, and was afraid to bring his case before a tribunal, was not worthy of the attention of that House, or of any other assembly of men; any woman would be ashamed to display the cowardice which was exhibited by some men in Ireland. It was now a question whether they were to allow a combination and conspiracy of Resident Magistrates and landlords to trump up charges of intimidation against obnoxious men, and cast them into prison. There were two kinds of intimidation. Intimidation might be used for political purposes. They knew that in several instances it had been alleged that intimidation had been practised upon a whole body of people, and that afterwards the people had come forward and sworn that they had not been intimidated. They knew that intimidation had been exercised upon witnesses to prevent them coming forward against the popular side. They knew that landlords and agents did exercise intimidation, and would, if this clause passed in its present shape, exercise it. They knew that tenants who wanted to go to Court to give evidence in favour of an accused person would be told to stop at home, and that if they did not keep quiet they themselves would be charged with crime. He considered the Amendment an exceedingly important one, and he intended to vote for it.

Mr. JOSEPH COWEN asked the Home Secretary how it was possible to get at the fact of intimidation unless the man intimidated came forward and lodged a complaint? There must be someone to set the law in motion, and the proper person to do so was the person aggrieved. [Sir William Harcourt dissented.] The right hon. and learned Gentleman the Home Secretary shook his head. That was the law of this country. It constantly happened, in case of strike, that the blackleg went and lodged his charge with the police or magistrate, and thus the law was set in motion by himself. That was what the hon. Member for Wexford (Mr. Healy) wanted to provide for in the case of intimidation in Ireland; all the hon. Gentleman wanted to do was to provide that the man intimidated should himself set the law in motion. He (Mr. Joseph

Cowen) had often heard the Home Secretary denounce grand-motherly Government; but it seemed to him that this was the best specimen of it they could very well have.

SIR WILLIAM HARCOURT said, he must differ from the hon. Gentleman (Mr. Joseph Cowen) as to the principle of English law. The hon. Member said it was only the person injured who took proceedings; and he said, moreover, that that was the principle of the law of this country. Why, it was the general principle of the Criminal Law that the State should prosecute in cases of injuries sustained. The hon. Member for Newcastle had entirely misapprehended the principle of the law of England. It happened, over and over again, that where a person did not wish to proceed with a case, the Public Prosecutor stepped in and compelled a prosecution in the interest of society.

MR. PARNELL said, the right hon. and learned Gentleman had stated that the Public Prosecutor, in cases of injury, was the person upon whom the duty devolved to initiate proceedings. [SIR WILLIAM HARCOURT: Or the police.] He (Mr. Parnell) ventured to say it was nothing of the sort in either England or Ireland. He did not pretend to know very much of the law; but, at least, he knew that where a person was assaulted and desired to obtain his remedy before a Court of Summary Jurisdiction, he laid the complaint himself, and not the Public Prosecutor. In Ireland, the only cases in which the police took the initiative were those in which the public generally were injured. For instance, if a donkey was found straying on the road, the police would summon the owner. In a case where an individual was affected, it was left to that individual to apply to the magistrate for a summons to protect himself, or to obtain the punishment of the person injuring him. That was the practice in Ireland in cases of summary jurisdiction, and he believed it to be the practice in England. They knew that, over and over again, there were many cases where the police had actually desired that prosecutions should be instituted, and where the parties had not. In cases where the parties injured felt there had been no intention to intimidate, or where there had been no absolute vindictiveness, they had not desired to proceed further, and the police had not felt themselves justified or able to initiate proceedings. What were the facts? In a clause of 20 lines, the Government had attempted, in this extraordinary Bill, and in this most extraordinary part of this extraordinary Bill, to set up in Ireland a new Law of Conspiracy and Intimidation. Open combinations among Irish tenant farmers had not been usual in times past. There had been combinations of a secret character. According to the statement of a former Chief Secretary for Ireland, in 1849, no bargain with regard to the letting of land in a large district—in a whole province in Ireland—could be made without the consent of the Secret Ribbon Lodges. Open combinations of tenant farmers in Ireland were attempted for the first time after the institution of the Irish National Land League. He said upon the second reading of this Bill that he had no objection in the world to the passing of a Statute dealing with combinations of Irish tenant farmers, and dealing with the Law of Conspiracy as regarded combinations of Irish farmers, on the same principle as the combinations of English workmen were dealt with in the Conspiracy Act of 1875; an Act which, by the way, was introduced and passed by a Conservative Government. They were asked to deal, in a clause of 20 lines, with a subject which was dealt with in the English Act relating to working men in a Bill of 10 pages. Now, was that reasonable? Was it reasonable to compress their regard for the right of combination amongst Irish tenant farmers into 20 lines, and to take away, at the same time, the right of trial by jury which they gave in the English Act? He did not believe the House of Commons would submit to the attempt this Liberal Government was making to so alter the Law of Conspiracy and Intimidation as to make it practically impossible, after the passing of this Act, for any Irish farmers or Irish working men to combine to any legitimate purpose. He saw the master hand of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) in these clauses. He was quite sure this clause was designed by the right hon. Gentleman, and that it was the result of the careful study he had made of Irish questions during the 24 months of his official existence. He knew something of the practical results of the working of the mind of the right hon. Gentleman. He knew that the right hon. Gentleman had arrested hundreds of men in Ireland on the charge of intimidation, simply because they refused to pay their rents or asked that their rent might be reduced. He could give the names of many most respectable tenants who were arrested by the right hon. Gentleman and sent to Kilmainham, and who were in Kilmainham Gaol still, simply because they presented a petition, adopted by the tenants of an estate at an open and public meeting, to their landlord praying for a reduction of rent. He would give one name, that of Mr. Crosbie, a tenant on the estate of Colonel Boyce, in the county of Wexford. Mr. Crosbie was the occupier of two farms of considerable extent; he was also a trader, with a large business in his village; he was a man of an unassuming and retiring disposition, and he was asked to take the chair at a meeting of the tenants of Colonel Boyce held last October, and at that meeting a resolution was passed in favour of paying no rent until they got a reduction of rent. Mr. Crosbie, a gentleman of about 60 years of age, of portly and respectable appearance, was selected as the leading tenant on the estate, and the leading man in the neighbourhood, to present a petition to the landlord. He did so, and Colonel Boyce replied—"I will go up to Dublin to-morrow, and I will see Buckshot Forster, and get you arrested." The right hon. Gentleman the late Chief Secretary for Ireland was in his place, and if he was able to contradict the facts he had stated—namely, that he arrested Mr. Crosbie last October, that Mr. Crosbie was still in Kilmainham prison on a charge of intimidation, that Mr. Crosbie committed no other intimidation than that alleged to be contained in presenting a petition to his landlord, and that a day or two subsequently the right hon. Gentleman was visited by Colonel Boyce, and compelled to arrest Mr. Crosbie on a charge of intimidation, he (Mr. Parnell) would very cheerfully withdraw the statement he had made. He mentioned these facts to show the Committee the way in which these things were done in Ireland. The right hon. Gentleman the Member for Bradford stated, when the Coercion Bill was being carried last year, that he would act as if he were a sworn juror, and that he would refuse to arrest any man whom he did not conscientiously believe to be guilty of the offence with which he was charged. Was there any outrage committed last October on the estate of Colonel Boyce, or in the neighbourhood of it? Was there the slightest intimidation exercised there? He might extend the area from the estate of Bannon to the whole of the county of Wexford, from which county there had been, he supposed, fully 20 persons arrested under the Coercion Act——

MR. HOPWOOD rose to Order. Had these remarks any earthly connection with the clause?

THE CHAIRMAN: I think the hon. Member is going very far away from the Amendment.

MR. PARNELL said, he did not wish to go any further away from the Amendment than the Chairman thought right; but he desired to point out that he was surprised the hon. and learned Member for Stockport, by whose side he had fought in that House to abolish the infamous practice of flogging in the Army, and to secure for English working men the right of combination, should be so zealous in interfering to limit his (Mr. Parnell's) illustrations in support of his argument in favour of the right of combination for Irish farmers. They wanted to know—and the question had been asked several times, and had not been answered by the Government—they wanted to know who was going to initiate the prosecutions for intimidation? They were told that Mr. Clifford Lloyd was not to be trusted to administer this law; he was not to be allowed to initiate prosecutions against individuals. If the prosecutions were not to be instituted upon the complaint of the persons injured, upon whose complaint were they to be instituted? They were told the other day by the Chief Secretary to the Lord Lieutenant that in certain cases of alleged intimidation—in such cases as the erection of wooden huts for the purpose of sheltering evicted tenants—the Lord Lieutenant would be the judge as to whether it would be right that prosecutions should be instituted. He would be perfectly willing that the Lord Lieutenant should be the judge in such cases; because, just as they had left the initiation of the prosecutions of trials without jury to the Lord Lieutenant, so they should also leave the initiation of the trials before the special tribunal and Resident Magistrates to the Lord Lieutenant. He was not willing to leave the initiation of these prosecutions to the stray Resident Magistrates throughout the country. The people were entitled to know what the law was in the first place; and, in the second place, they were entitled to know what they could do, so as to keep within the law. Under the clause as it now stood it was perfectly impossible that anybody could know what the law was, and what they could do to keep within the scope of the law. In asking for information as to who were to initiate prosecutions, they were asking for uniformity in the administration of the law throughout Ireland. If the initiation of the prosecution was to be left to the Resident Magistrates in Ireland, they would find offences differing in every county and district in the country; and it would be impossible for anyone to know what the law really was. The law would depend, in that case, for its interpretation and its administration upon the whims of 40 or 50 different stipendiary magistrates. He, therefore, thought that, upon the threshold of the clause, they were entitled to know who was to initiate the prosecutions for intimidation. Was it to be the police-constable, was it to be the Resident Magistrate, or was it to be the Lord Lieutenant? The Government ought to give them some information, some light as to what men must do to obey the law. They wanted to obey the law, they were willing to obey the law; but under an Act of this kind it would be quite impossible for them to obey the law, because they would be left completely in the dark as to its nature and extent.

MR. W. E. FORSTER said, he wished to make a few remarks, in consequence of the observations of the hon. Member for the City of Cork. He understood the hon. Gentleman to say that he (Mr. W. E. Forster) had arrested, or caused men to be arrested, simply because they had paid their rents. He absolutely and entirely denied the statement.

MR. PARNELL: What did the right hon. Gentleman arrest Mr. Crosbie for?

MR. W. E. FORSTER said, that the hon. Member, without giving him the slightest Notice, questioned him with regard to a particular arrest. Though he had had no Notice, if the hon. Gentleman was prepared to raise a discussion on the subject, he would be prepared to meet him. Mr. Crosbie was arrested because he (Mr. W. E. Forster) believed he had been guilty of intimidation. Mr. Crosbie was not arrested because he refused to pay his rent, but on the charge of intimidation.

MR. PARNELL: What was the intimidation?

MR. W. E. FORSTER said, the hon. Member was perfectly aware that the Protection of Person and Property Act was obtained upon the ground that it was impossible to give the reasons for arrests. If they had given the reasons for arrests——

MR. HOPWOOD rose to Order. He could quite understand the right hon. Gentleman's desire to answer on the spot anything the hon. Member for the City of Cork might have said; but he asked whether they were to enter into an interminable debate upon matters which had nothing to do with the Amendment?

THE CHAIRMAN: Allowance is always made by the Committee for a personal explanation. I must state, however, it would be quite out of Order to continue the discussion on this subject.

MR. W. E. FORSTER said, he must repeat, although he did not wish to dwell upon the point, that it was a very well known fact that the reasons for arrest could not be given without endangering the personal safety of the people who gave the information. ["Oh, oh!"] Really, hon. Gentlemen seemed to think there was no such thing as intimidation in Ireland. He should have thought that any person who had paid the slightest attention to what had happened in Ireland during the last six months would have been aware that there was such intimidation in the country that, if the names of the persons who had given information upon which any man had been arrested had been published, the lives of those persons, and their property, and their comfort and peace, would have been seriously endangered, and they would have had very little chance of carrying on their daily occupation.

MR. O'KELLY: I rise to a point of Order. The right hon. Gentleman rose to make an explanation with reference to the case of Mr. Crosbie; and he repeats now, for the twentieth time, his infernal speech.

Sir HENRY SELWIN-IBBETSON: I move, Sir, that the words of the hon. Member be taken down. He has said, in my hearing, "the right hon. Member's infernal speech." I move that those words be taken down.

Motion made, and Question proposed, "That the words 'the right hon. Member's infernal speech' be taken down."—(*Sir Henry Selwin-Ibbetson.*)

The CHAIRMAN: Order! Is it the desire of the Committee that the words of the hon. Member be taken down?

Mr. PARNELL said, it was a well-known precedent in that House that words could only be taken down if they had been heard by the Clerk at the Table, and immediately upon utterance. [*Cries of* "Name, name!"] No; there was another method of procedure open. A Motion had been made that the hon. Member's words be taken down; but his words had not been heard.

The CHAIRMAN: They were heard by the Chairman quite distinctly.

Mr. PARNELL: I confess, Sir, that although I was sitting very close to the hon. Member, I did not hear him make use of the words mentioned.

Sir R. ASSHETON CROSS: I rise to Order, Sir. I believe on these matters there can be no debate. The Chairman heard the words; therefore he can direct that they be taken down.

Mr. PARNELL said, that in the last Parliament, as he distinctly remembered, there was a debate which lasted, not only for a few minutes, but for the whole evening—a debate in which the right hon. and learned Gentleman the present Home Secretary took a very distinguished part—upon the Motion of the late Chancellor of the Exchequer, the right hon. Gentleman the Member for North Devon (Sir Stafford Northcote), that some words uttered by an hon. Member sitting on that (the Opposition) side of the House—he thought the hon. Member for Dungarvan (Mr. O'Donnell)—should be taken down. A debate arose, and the present Home Secretary, then in Opposition, entered very strongly into the debate, and proposed the taking down of the words; but finally the Motion to take down the words was withdrawn. On the present occasion, he submitted, the situation was precisely the same. Words were uttered by his hon. Friend as to the precise nature of which there seemed to be some difference of opinion. He (Mr. Parnell) confessed that though he sat very near the hon. Member for Roscommon——

The CHAIRMAN: The hon. Member cannot debate the question as to whether the words are to be taken down or not. The Rule is that if a Motion is made that the words of an hon. Member be taken down, and

> "It does appear to the Speaker, or the Chairman of Committees, that it is the evident sense of the House that they shall be taken down, he will then direct that the words be taken down, and will then put as the question that the words be reported to the House."

The words having been taken down by the Clerk—

The CHAIRMAN: The Question I now put is, that the words taken down—namely, "the right hon. Member's infernal speech," be reported to the House.

Mr. T. P. O'CONNOR said, he wished to ask the Chairman, as a matter of Order, whether it was a Rule of the House that this Motion should be put to the House or the Committee, and decided without debate, and whether there were not precedents for a debate, and a very lengthened debate, taking place on such a question?

Mr. JOSEPH COWEN said, he might suggest, with a view to the general harmony of the Committee, that as this was a matter calculated to create bitterness of feeling on the part of some hon. Members, and as the debate had been, so far, conducted in good temper, the way out of the difficulty would be for the hon. Member for Roscommon to withdraw the expression he had used.

Mr. PARNELL said, he certainly did not catch the exact adjective used by his hon. Friend; but some hon. Members said that a certain adjective, which he would not repeat, had been used. He was sitting behind his hon. Friend when the objectionable word was used, and sound did not travel backwards as well as it did forward. That was the reason, perhaps, that the exact phrase had not reached him, there having been considerable noise in the House at the time of the occurrence. Since he had last spoken, however, he had consulted his hon. Friend, who had told him that he did use the objectionable adjective. His hon. Friend, he was sure, would see, if the Motion that the words be reported to the House were withdrawn, that it was desirable that he should withdraw the expression he had made use of. The hon. Gentleman would, no doubt, be glad to withdraw it, and to express regret for having made use of it.

MR. GLADSTONE: I think the matter may be settled without carrying it further; but I am bound to say that I do not think, with regard to the Order of the House, that a mere withdrawal would be sufficient. The House is certainly entitled to an expression of regret from the hon. Member.

THE CHAIRMAN: I must explain to the hon. Member, who, I have no doubt, will do so, that a mere withdrawal is not sufficient, but that he must express regret for having used the words.

MR. O'KELLY: I confess at once that I did use the adjective, and I must say that it escaped me in the heat of debate, and quite without my intending to use that particular adjective. I withdraw it, and express to the Committee my regret for having used it.

Question again proposed, "That the words 'shall be proved, on the complaint of the person or persons alleged to have been aggrieved, to have.'"

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Healy,*) —put, and *negatived.*

MR. W. E. FORSTER, continuing, said, he did not wish to make any further remark in regard to the facts alluded to by the hon. Member for the City of Cork (Mr. Parnell). He should not have spoken at all had it not been for words the hon. Member had used. With regard to the Amendment, it would make the clause of no use. If the clause was required at all, it was required to prevent extensive and constructive intimidation. He believed it was necessary for that purpose; but, whatever had rendered it necessary, the person intimidated would be very easily prevented by fresh intimidation from initiating a prosecution. The hon. Member for Tipperary (Mr. Dillon) had said he understood he (Mr. W. E. Forster) had alluded to people being cowards in this matter. He did not know what remark he might have made; but he might state that he considered that it would require great courage—more, indeed, than they had any right to expect from the average of individuals—to initiate prosecutions with the system of intimidation known as "Boycotting" existing.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he wished to say a few words in reply to that small portion of the speech of the hon. Member for the City of Cork (Mr. Parnell) which was relevant to the matter before the Committee. This 4th clause dealt with offences that would include breaches of the peace and acts of violence towards the person intimidated by the person intimidating, and the Amendment was to the effect that no person should make complaint of these acts of intimidation, except the person intimidated. Apart from the question of policy, if this Amendment were accepted, it would be another innovation in the law of the country. The general law was that, whenever a breach of the peace was committed, any person could make complaint of that breach of the peace; but it was proposed to make exception to that law, and require that the person who had been the victim of a breach of the peace alone should complain. How often did they not hear of persons assaulting women or children? In these cases, who made the charges? Not the persons assaulted, but some other person who was aware that a breach of the peace had been committed. Any person would make the charge; and the Amendment, which, it was said, would carry the general law into effect would, if applied, limit the right of complaint to the person assaulted, who might be afraid to make complaint. Let him give an instance that closely approached the condition of things sought to be dealt with by the clause. Reference had been made to the Act of 1878, which was an Act to prevent intimidation and persons being interfered with when doing that which they had a perfect legal right to do. Who could make complaint under this Act? Not only the persons intimidated. They had had constant complaints under the Workman's Act of 1875, not only from masters—who declared that their workmen were intimidated—but from persons who stood by and witnessed the acts of intimidation. The workman would be the last person to make complaint, and those by whom complaint would be made would be, in most cases, persons who represented society, and their complaints would be heard. They had been asked to make an exception, as against the general principle to which he referred, where breaches of the peace occurred. The whole purpose of the Act was to protect people who could not protect themselves. It was by the shield of the present legislation that they were endeavouring to protect those who were in a state of terror, and were unable to protect themselves. They had had to deal with a very paralysis of action in which, in Ireland, persons could not protect themselves, and especially in this case, where terrorism of two kinds existed—namely, that which was immediate and worked on the people directly, preventing them from doing lawful acts; and then, when the people were intimidated, that secondary intimidation that prevented them from making complaint of the primary intimidation. If they accepted this Amendment, people would intimidate with this knowledge—that no consequences could possibly ensue if they only intimidated still further, and prevented their victims from making complaint.

MR. BULWER said, he wished merely to say one word as to the extreme inapplicability of the Amendment to the clause under discussion. The clause was one for the definition of offence, and it said—

> "Every person who wrongfully and without legal authority uses intimidation, or incites any other person to use intimidation, with a view to cause any person or persons, either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do, or towards any person or persons in consequence, either of his or their having done any act which he or they had a legal right to do, or of his or their having abstained from doing any act which he or they had a legal right to abstain from doing, shall be guilty of an offence against this Act."

Then it was proposed, in the definition of the offence, to introduce words pointing out how intimidation was to be proved. Why, the absurdity of the thing was self-evident to introduce into a clause which dealt with the definition of an offence words referring to proof of that offence. The words of the Amendment were—

> "Shall be proved, on the complaint of the person or persons alleged to have been aggrieved."

But the clause dealt not with proof, but with the definition of the crime. He submitted to the hon. Member who had brought forward the Amendment that this was not the proper time to do so. If the Amendment was appropriate to the Bill at all, the right time to propose it would be when they were dealing with the proof by which the offence was to be established.

MR. PARNELL said, the Amendment of his hon. Friend was really a very important one, because at the very threshold of the clause they were met by the question—"Who is to initiate these prosecutions?" The Chief Secretary for Ireland informed them the other day that complaints, as regarded intimidation in connection with the erection of wooden cabins for evicted tenants, should only be brought before the magistrates for decision after they had been first investigated by the Lord Lieutenant. If, however, this clause was passed, it would practically override the announcement which the Chief Secretary made. Did the Chief Secretary make the announcement in ignorance of the effect of this clause, or did he only intend it to be taken as referring to the present law in force until this Act should have been passed? The matter was of great importance, whatever reply were given to this question. Under the present law, charges of intimidation could only be dealt with in two ways, and the punishments to be inflicted for such offences were much less in magnitude than the punishments to be inflicted under the operation of this clause. At present, a person who was charged with intimidation could be required by the magistrates, under a section of the Statute of Edward III., to give bail, and in default of giving that they could be sent to prison for a period not exceeding six months. They were treated as untried prisoners, were allowed to supply themselves with food, and there was, in fact, the clearest distinction drawn between them and prisoners convicted of crime. The other remedy against intimidation, under the present law, was that magistrates could send a person to prison for three months, with or without hard labour, with the option of a fine, and from that decision of the magistrates there was an appeal to the Quarter Sessions. If it was necessary to reserve to the Lord Lieutenant the right of putting into action a charge of intimidation under the present law, it became much more necessary to reserve such a right to the Lord Lieutenant, under the very stringent provisions of this clause. Now, the Irish Members wished to know did the Government intend that this Intimidation Clause was to be put in force by every policeman in Ireland—was every policeman in Ireland to have the right to drag any man, woman, or child, at any moment, before the nearest stipendiary magistrate? There was no limitation in their Intimidation Clause. It was not necessary to summon a person offending under it—he could be taken at once, at any hour of the day or night, before the stipendiary magistrate, and charged with intimidation. Did the Government intend that the provisions of this clause were to be exercised in this way, doing away with the right of trial by jury, doing away with the right of appeal, doing away with the option of a fine, and increasing the punishment from three months to six months? Did they intend that these provisions should be exercised in the spirit of the statement made the other day by the Chief Secretary for Ireland, with regard to the erection of the huts for evicted tenants, or did they intend that they should be exercised in the spirit of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) and his pet, Mr. Clifford Lloyd?

SIR WILLIAM HARCOURT said, he could answer the hon. Member in a single sentence. It was intended that the clause should be exercised in exactly the same manner, and the informations given by exactly the same people, as was the case under the English Act of 1875. The two cases were precisely similar. There was no limitation in the Act of 1875 as to the persons who were to lay the informations for offences under that Act; no more would there be under this Act. The hon. Member for the City of Cork, on the second reading, he thought, or two or three nights ago, made a fair statement as to this Intimidation Clause—namely, that he wished it to be a clause resembling the English law on the subject, with such modifications of that law as the condition of Ireland rendered necessary. That, he (Sir William Harcourt) thought, was as fair a statement of the case as could possibly be made. Well, that was the intention of the Government with reference to this clause; and everything which tended to show that it did not resemble the principle of the English law, with such modifications as the peculiar circumstances of Ireland rendered necessary, were matters which, he thought, would properly command the attention of the Committee, and also its assent to any Amendment which might be requisite to carry out the intention of the Government. But if the Amendment were accepted it would make the clause differ altogether from the English law; and he, therefore, claimed the support of the hon. Member for the City of Cork on his own principle in opposing this Amendment.

MR. T. P. O'CONNOR said, he, on the other hand, claimed the support of the Home Secretary for the Amendment of his hon. Friend, on account of the principles the right hon. and learned Gentleman had defended, and the measures he had introduced into the House, at an earlier and more independent stage of his career. The right hon. and learned Gentleman would not forget that golden youth of his, when he was prominent in the House in demanding the largest right of combination for the working men of this country, and when he brought forward Motions for the adjournment of the House, for doing which now the hon. Member for Cavan (Mr. Biggar) brought on himself the thunders of the right hon. and learned Gentleman. There was no analogy with regard to the initiation of prosecutions for intimidation between the cases of England and Ireland. As far as he was concerned as to the other part of the proposition, he was ready to accept it. If the intimidation was clear and defined, as in England, he would be content; but the initiation of proceedings was quite a different matter. In England they had not a whole class of magistrates who were officials of the Crown. The magistrates in England, and those in Ireland, were men of an entirely different order. The police, likewise, were different. Here they were the servants of the people, there they were their masters, licensed to stare at, accost, search, and offend every person they met. The Irish magistrates were men who did the things referred to by the exploded politician he was sorry his hon. Friend the Member for the City of Cork had brought into notice again this evening.

Mr. BULWER said, he rose to Order. The Question before the Committee was the definition of an offence. ["No, no!"] Yes. Whoever did a certain thing would be guilty of an offence. The Amendment, as to how the offence was to be proved, was out of Order, and out of place. It was not for them on this occasion to discuss the mode in which the proceedings were to be initiated, in order to determine whether or not an offence had been committed.

Mr. T. P. O'CONNOR said, it was very inconvenient that the hon. and learned Member (Mr. Bulwer) should attempt to take part in the discussion without having taken the trouble to read the Amendment on which the Committee was engaged. If the hon. and learned Gentleman would allow him, he would read the Amendment which the hon. and learned Gentleman should have read for himself. It was to insert the words—

> "Shall be proved, on the complaint of the person or persons alleged to have been aggrieved, to have."

Plainly the question was as to the initiation. The hon. and learned Member had told them the other night they were rather asleep on questions affecting Ireland; but the hon. and learned Member himself did not seem to be very wide awake with regard to these Amendments. He would ask the Home Secretary how he could reconcile the fact that all prosecutions under this Bill were to have the sanction of the Attorney General, or the Solicitor General for Ireland, for the time being, with his position now, which left to the lowest and meanest policeman the right of initiating proceedings? [*A laugh.*] The right hon. Gentleman laughed. He was like Job in one respect—he laughed at the vows he had made, he (Mr. T. P. O'Connor) would not say in love, but in politics. The right hon. and learned Gentleman had no more solemn expression than a smile for the Bill he had brought in. If the right hon. and learned Gentleman would make the prosecution dependent on the initiation of the Lord Lieutenant, as the right hon. Gentleman the Chief Secretary had consented to do in the case of the huts, it would meet the objections of the hon. Member for Wexford (Mr. Healy).

Sir GEORGE CAMPBELL would put it to hon. Members opposite whether it was worth while to press on the Amendment, which would have the effect of stultifying the clause? He would suggest to the Home Secretary that in the matter of the initiative he could adopt a much better model than the English model—namely, the Scotch model. They had a much more complete system of jurisprudence in Scotland than they had in England. In Scotland the Lord Advocate and his subordinates controlled prosecutions, for though they might be initiated by private individuals, they could not be initiated without the sanction of the Lord Lieutenant or the heads of the Criminal Department.

Mr. T. D. SULLIVAN said, he wished to know whether, in working this Act, the Government would take account of intimidation practised on the Irish people by the police and the landlords? These had been the real terrorists they had had in Ireland for many a long year. They had heard a great deal to-night about intimidation; but only one view of the case was taken; only one side of the question was looked at. Could any hon. Member in the House deny that intimidation of a most cruel and serious kind had been practised, and was being practised with impunity, against the Irish tenants by the Irish landlords, the bailiffs, the agents, and the police? Why, the fact was that in many towns and villages in Ireland no young men dared to walk abroad two or three together without being followed by policemen and intimidated or cautioned. Policemen listened at their windows at night. [*A laugh.*] Yes; he had good reason to say this. [*Renewed laughter.*] He had very good, sufficient, reliable authority for saying that policemen went and watched and listened outside the windows of law-abiding people at all hours of the night, and that they intimidated people in every way they could morning, noon, and night. As to the Irish landlords, had they not been intimidating the Irish tenants, preventing them from doing what they had a legal right to do? Had they not intimidated the Irish tenants, compelling them to do that which they had a legal right to refuse to do if they chose? It was because the landlords had been intimidating the Irish tenants that they had in Ireland and in America to-day thousands, yes, and millions of Irishmen, sworn enemies to Irish landlordism.

THE CHAIRMAN: The hon. Member is not within his right in referring to such intimidation, which is not in the Amendment before the Committee. The Amendment is to insert the words—

> "Shall be proved, on the complaint of the person or persons alleged to have been aggrieved, to have."

It does not in any way define intimidation.

MR. T. D. SULLIVAN said, he hoped the tenants of Ireland would take care that this Act should not be a one-edged, but a two-edged sword, and that they would avail themselves of the so-called protection of this law against the intimidation practised on them by their landlords. If they did that, hon. Gentlemen in this House and their friends outside it would, perhaps, be sorry they had taken such pains to forge this weapon in the House of Commons.

MR. O'SHAUGHNESSY said, he looked with grave apprehension upon the probability of what this new and stringent law might bring about. He should like to see some provision adopted that would save the people from the arbitrary action of policemen and magistrates. It had been suggested that the operation of this new law should be placed under the control of the Lord Lieutenant and the Chief Secretary for Ireland; and with great respect to the late and the present Chief Secretaries, and with perfect confidence in their personal justice, he would say that their control would only be a nominal one, and that the Act would be open to very serious abuse, because he knew, as a matter of fact, that the ultimate decision as to prosecutions would be left to the Resident Magistrates, not the ordinary magistrates, but those special magistrates who had been appointed to meet the present emergency in Ireland. He knew the feeling of the country was that this would lead to a great deal of abuse. There was another authority which should be placed in control of the operation of the Act, and that was something analogous to the authority suggested by the hon. Member who had spoken last but one (Sir George Campbell). Some control should be left with the Attorney General for Ireland, and an Amendment to effect that object would, he thought, meet the emergency. The punishment for this—he would not call it a new crime, but, at least, a crime which was to be tried under very new circumstances—would be very heavy, and the jurisdiction would be very summary. He trusted that the prosecutions would not be numerous; and he did not think it was too much to ask that before this machinery was put in motion, the authority of the Law Officer of the Crown should be obtained.

MR. HINDE PALMER said, they were discussing matters which were really not germane to the Amendment. The object of the clause was to define the nature of the offence—to point out what the offence of intimidation was to be; and the Act by no means left it indefinite as to who was to put it in motion. There was a clause which expressly provided how the Act was to be set in motion, and who was to be the prosecutor; and yet they had been discussing the measure all the evening on the assumption that there was nothing whatever in it to provide for putting it in operation. He agreed that wherever the intimidation came from, whether from the landlord or tenant, it was equally reprehensible, and ought to be equally punished under the provisions of this Act; but the question was, who was to put it in motion? They were discussing all this on the definition of what the offence was to be; and if they looked at page 9, Part IV., they would see who was to put it in motion, and that the prosecution was to be in a certain definite way. It seemed to him that when they came to page 9, would be the time for them to consider this subject. He did not say whether it was right or wrong; but if it was right that the Motion of the hon. Member for Wexford should be adopted, the time to bring it forward, in some shape or other, would be when they came to Part IV., which dealt with the machinery for working the Act and the punishment for intimidation. He agreed with the hon. and learned Member for Cambridgeshire (Mr. Bulwer) that they were now discussing what the definition of intimidation was to be.

MR. MACARTNEY said, the hon. Member who had just sat down seemed to forget that the proposal made by the hon. Member for Wexford (Mr. Healy) was to substitute for words in the Bill, the words—

> "Shall be proved, on the complaint of the person or persons alleged to have been aggrieved, to have."

If these words were introduced now, they could not discuss, at a later stage, who were to be the persons to make the complaint, because the matter would have been settled; and it was, therefore, clear that what they were now discussing was not the definition of the crime, but the person who was to put the Act in motion. He, however, had only risen for the purpose of saying this—that that much-abused body, the Irish magistrates, found it necessary very often, when severe assaults had been committed in their neighbourhoods, and when the injured persons would not bring forward complaints, to get the police to go to those persons and ascertain why they did not prosecute. The answer generally given was, "I am afraid;" or "I dare not do it." The magistrates then gave instructions to the policeman to go to the Sub-Inspector, and he instituted a prosecution in the name of the Crown, and summoned witnesses who were present at the assault. This was an excellent system allowed by Common Law. In this way cases were very often brought before the magistrates, with the result that not only one side, but both sides, were punished. Sometimes these assaults were of such a character that the person assaulted was brought to the brink of the grave. As the Sub-Inspector, then, was allowed to initiate prosecutions under the existing law, it seemed to him that it would not be such an anomalous thing to introduce it into the present Act.

Mr. JUSTIN M'CARTHY said, the hon. Member had given good reason why they should go on with the discussion. He had explained that the Irish magistrate was not a person under intimidation, and that he could set the law in motion—that was to say, he could suggest to a constable to go round and see, when an assault had taken place, who had been intimidated, and whether he could not persuade someone that he was the victim of intimidation. There could not be a better argument for showing that when they defined a new offence they should say who was to work it. A new offence must depend on the mechanism by which it could be made to operate and bring persons within the reach of those who were to inflict the punishment. His contention was, that it was perfectly legitimate, and even essential, when they were creating an offence, to define distinctly by what process it was to be brought under the control of the law. The right hon. and learned Home Secretary had told them that in this clause he had followed the lines of the English Act of 1875. Let him remind the right hon. and learned Gentleman of the conditions under which that measure was prepared. The Act was passed, he might say, roughly speaking, altogether in favour of the working class. It was an Act passed to relieve the working man from legal responsibility for doing certain things which, up to that time, had been held to be illegal. By that Act these things were declared to be legitimate. A great variety of combination which the working man had entered into, and which the law previously held to be illegal, was held to be legal, and he was relieved from punishment for doing certain things for which, before that time, he was liable to be punished. But the present Bill was one which was altogether against the class who, in Ireland, represented the class in England in whose interests the Workmen's Act of 1875 was passed. This was to be an Act against, and not in favour of, the Irish tenants. It imposed new penalties upon that class, and invented new crimes of which they could be guilty. In the former case it was easy enough to see why there was no occasion to distinguish, first of all, by what means the Act was to be brought into operation. The class who were suffering a grievance were relieved from that grievance, so that they would not be likely again to employ those weapons of so-called intimidation, by which they had compelled Parliament to attend to their claims and relieve them of their grievance. But, by the present legislation, they were inflicting new grievances upon a class aggrieved already; and it was only fair and just, even from the example of the English legislation, that they should define the machinery by which the new penalties were to be brought to bear on the people.

Mr. LABOUCHERE said, he quite admitted that there was more in the opposition of the Home Secretary to this Amendment than there had been in his opposition to some of the previous Amendments; but, at the same time, he thought hon. Gentlemen opposite had made out a strong case, if not in favour of this Amendment, at any rate in favour of an Amendment of a similar kind. Ireland, it must be remembered, was peculiarly situated. It was not England. In Ireland the landlords had long confederated together against the tenants, and they had a Resident Magistracy in the country, who had to decide on these cases, who were in many ways allied to the landlord class. What hon. Gentlemen feared was that there would be some species of unholy alliance between the landlords and Resident Magistrates; that persons would be brought up for intimidating; that the landlords would give evidence against them, and that the magistrates would condemn on that evidence. They knew perfectly well that many of the people who were put in prison by the late Chief Secretary for Ireland—though, no doubt, the right hon. Gentleman believed they had been guilty of intimidation—were held by the present Heads of the Irish Executive and the Government not to have been guilty of the offences for which they had been put into gaol on suspicion. Fully one-third of those the late Chief Secretary for Ireland thought ought to remain in prison had been let out by the present Chief Secretary for Ireland; and amongst the number, he took it, were a good many who had been put in on a charge of intimidation. As he had said, he admitted there was some point in what had fallen from the Home Secretary. It was rather an absurdity to suppose that if A intimidated B, C should come forward and complain; still there might be some wretched, timid creatures in Ireland who were absolutely afraid to complain of intimidation practised upon them. ["No! no!"] Hon. Members said "No!" but he (Mr. Labouchere) was repeating what had been said by the hon. Member for Tipperary (Mr. Dillon). He had no sympathy with these people; still, if the person was one of so timid a nature, it was necessary that the law should step in. But he was anxious to ask—and many on the Ministerial side of the House were anxious to ask—were they to understand that a person was to be condemned by a Resident Magistrate, on the complaint of a third person, for intimidation, without the person who had been intimidated coming forward as a witness, and the person who was said to have intimidated having an opportunity of cross-examining the man he was accused of having injured? That was what he wanted to arrive at; and if the Home Secretary did not intend to accept this proposal, if he did not intend to take the view that he (Mr. Labouchere) had stated, he might accept the Amendment before the Committee—that was to say, provide in the Bill that in every case where there should have been a conviction, the person supposed to have been intimidated should have been called as a witness, to give the prisoner or his legal adviser an opportunity of examining him.

MR. GIBSON said, he was not surprised that a good deal of attention had been directed to this clause, because, unquestionably, it might be one of the most important clauses in the Bill, and it dealt with one of the most important incidents to be found in the present condition of Ireland. He supposed that no one, at this time of day, was ignorant of what the offence of "Boycotting" was, or the terrible weapon that it had been found in keeping Ireland in a state of demoralization for a considerable number of months. It was a great deal better that this clause should be discussed with a full knowledge of what it was it purported to deal with. It purported to deal with the most insidious forms of terrorism that had ever been applied to any country, the forms of terrorism that, in many cases, had almost eluded definition, and that must be grappled with, and that must be overcome, if Ireland was to be restored to a state of quiet and peace; and if any attempt were made to cut down the efficiency of the clause, no matter on what specious pretext it might be put, it was really an attempt to leave Ireland in its present state of disturbance, and, he ventured to believe, it would not deceive any sane person in the community. The Committee would not have forgotten what had occurred within the past few days. The hon. Member for Tipperary (Mr. Dillon) had pointed out that he would not condemn "Boycotting;" and even the hon. Member for the City of Cork (Mr. Parnell)—who tried, it seemed, without direct authority, to explain that remarkable speech of the hon. Member for Tipperary—in cautious and measured language had said he would only condemn "Boycotting" when it was not applied to cases of unjust eviction. So that it would be seen they were dealing with the most dangerous and difficult forms of terrorism, which had had such a hold upon the minds of the people, and upon the minds of those who led the people, that it was difficult to get from them a clear, distinct, and open definition of them. Now, this Amendment was the first attempt that had been made to fritter away the clause, and to hamper it with conditions that would make it difficult, if not impossible, to work it; and that was the reason he felt it to be his duty, at this stage of the proceedings, at once to point out the meaning which he placed on the Amendment, and to express the hope that in this and the other Amendments, which were sometimes more insidious and sometimes less, the Committee would not lend themselves to hon. Members who—to use a common expression—sought to "drive a coach and four" through the salient provisions of this Bill. The Amendment before the Committee was one which proposed that no prosecution for intimidation should be initiated unless the person who was intimidated came forward. The mere statement of it showed that it was intended to kill the clause. Well, the person who came forward to defend it was the hon. Member for Tipperary (Mr. Dillon), who spoke the other night in such a remarkable manner, not only in support of "Boycotting," but in denunciation of hon. Members who had previously expressed some disapproval of "Boycotting." The hon. Member for Tipperary had said that a person who was afraid to come forward and complain of intimidation was unworthy to be protected, or some such thing as that. In plain English, what was the meaning of that? That a person who had been treated in society as a leper, who had been ostracized and shunned in every way, and did not shake off his terrorism—which, he ventured to say, even a courageous man would feel a little of if he were resident in Ireland under the present conditions —if such a person did not shake off his terrorism, go into Court and give evidence against the accused, and then go back to the same atmosphere of terrorism, there was to be no prosecution. Surely it was obvious that an Amendment of this kind, if it were intended or not, would have the effect of thoroughly and entirely destroying the clause; therefore, he hoped that in this, as in the other Amendments that might be proposed to this particular clause, the Committee would take care that this terrorism, coupled with the "Boycotting" with which they were all familiar, would receive a blow from which it would never recover.

Dr. COMMINS said, that, unless the Committee exercised great care in amending it, this clause would be made an instrument of most grievous oppression. The section created no new offence and defined no new offence, and hon. Members who, in the course of the discussion on it, had said so had been wide of the mark, and had not had a proper appreciation of it. The offence that it proposed to deal with existed already, and against it a number of Statutes had been passed in this country. In the Act of 1871 considerable pains were taken to define the offence, and the opinion the country had of its provisions and of the almost revolting operations of the whole Statute were such that it was repealed in four years. In 1875 another attempt was made, and the Conspiracy and Protection of Property Act, which also defined the offence of intimidation, was passed, and pointed out what the prosecutions were to be. He must say he thought the Home Secretary had failed to refresh his memory by referring to that Act, or he would not have compared its provisions with those of the present Bill. The Act of 1875 provided that, whenever a charge of this kind was made against a person, and where the result of the charge might be a fine of £20, or one month's imprisonment, then the person accused might elect to be tried by a jury, and might refuse to submit himself to the jurisdiction of even the very excellent, impartial, and exemplary stipendiary magistrates, who mostly had to try offences of this sort in England. The right hon. and learned Gentleman the Home Secretary was very wide of the mark in assuming that this Bill did nothing more in the case of Ireland than the Conspiracy Act of 1875 did for England. But there was this difference between the Act of 1875 and the present proposal of the Government. The Act of 1875 was only put in motion in the large municipal towns of the country, such as Manchester, Birmingham, and Leeds. Now, in every case where the attempt was made to apply the Act to one of these large towns, the matter had to be submitted to a Watch Committee, before whom all charges were brought by the police before a summons was applied for, the evidence being in all cases thoroughly examined by the Watch Committee. But there was no such thing as a Watch Committee in Ireland, and the police could put this Act in operation by themselves. And, again, he thought the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell) might have given a different description of the state of affairs in Scotland in matters of this kind. In all towns in Scotland there was a Procurator Fiscal, and every complaint, before a summons was issued, passed under the hand of that official, when, if it was found that the charge was a credible one, and rested upon respectable testimony, application was made to the Court because it was supposed that a conviction might reasonably be expected. But in Ireland there was no protection of this kind. The parties there would simply be worried to death by the manner in which this Bill would be worked. There had been many instances in Ireland tending to show how Acts of this kind might be used for the purposes of the most atrocious oppression. As an instance of this, he reminded the Committee of the manner in which a charge of intimidation had been brought against persons who were subsequently imprisoned for collecting money on behalf of the Land League. In the case to which he referred, the party supposed to be intimidated swore that no intimidation had been practised upon them, and that they had subscribed their money willingly. Now, unless some means were taken to prevent charges being made by the police, in spite of the evidence of the party supposed to be intimidated that no such offence had been committed at all, the people would be simply at the mercy of informers and busybodies. There was no check whatever proposed in this Bill upon any of the prosecutions which might be instituted under its operations; there was nothing to prevent the Act being made an instrument of oppression, and, in the default of some such measures in the Act, he felt it his duty to vote for the Amendment of his hon. Friend, notwithstanding that the Amendment made some slight innovation upon the existing law of the country. Undoubtedly the law of the country was, as the Attorney General had stated, that any person might be imprisoned for breach of the peace; but this Act was altogether an innovation on the law of the country. It was, moreover, an innovation in the wrong direction, which could not but result to the people of Ireland in further trouble and vexation.

MR. CALLAN said, the hon. and learned Member for Limerick (Mr. O'Shaughnessy) suggested that the best course to pursue would be that the directory and management of this Bill should be left to the Attorney General for Ireland. An exemplification of the absolute necessity for the Proviso which was before the Committee had occurred in his own county not long ago. A person went to a spot to take a photograph of a Land League hut constructed for an evicted tenant; a policeman came up to the place, probably hoping to be included in the group standing around. He approached too near the photographic apparatus, and was told that he had better take care, as there might be dynamite about. The policeman was not alarmed, or in any way intimidated; but on the 26th May the gentleman in charge of the photographic apparatus was arrested, during the sitting of the Petty Sessions at Dundalk, and brought before the magistrates; and the stipendary magistrate, on hearing the evidence, directed that he should be sent to prison without bail. He presumed the case had come before the right hon. and learned Gentleman the Attorney General for Ireland, because the Crown Prosecutor was sent down to prosecute this unfortunate photographer for alluding even to dynamite. He had a report of the case in his hand, from which it appeared that the policeman swore he was not afraid; he was asked why he had not made a complaint, and he said he had no complaint to make. The complaint here was not the complaint of the policeman, it was the complaint of a Sub-Inspector; the same man who, the other day at the sessions, called a certain farmer a blackguard, and added, afterwards, that if a man had called him one, he would have put him into the mill-pond. This Sub-Inspector brought up the gentleman to whom he had referred, and charged him with having used language calculated to intimidate. Hon. Members would understand from this the way in which the Bill would be used in Ireland. As he had said before, the policeman was not frightened; he made no complaint; but on the 26th May his superior officer complained, and a State prosecution followed for using intimidating language. But he (Mr. Callan) pointed out that the only intimidation which had been used in this case had been exercised over the magistrates by the right hon. and learned Attorney General for Ireland, who sent down his Crown Prosecutor. He hoped that his hon. Friend would proceed to a division on his Amendment, in which case he should feel it his duty to support him.

Mr. ARTHUR O'CONNOR said, that this Amendment had been opposed on the ground that it constituted a very serious innovation and an entire departure from the ordinary law. But he replied that the whole Bill was a serious innovation and departure in this sense—inasmuch as it created a number of new offences, and made things which were formerly not offences at all, crimes, to which penalties of the most serious kinds were attached. As he repeated, it was a most complete departure from the law of the country. For instance, it was no actual crime in this country to make use of any verbal threat to kill or murder, and it was not an actual crime to write a threat of killing; but by this Bill it was made a crime to threaten by looks, acts, or words. The remedy in this country for intimidation, by means of verbal threats to murder, was merely the binding over of the person to good behaviour and the keeping of the peace. But, then, when that took place, it was necessary that the person who had been intimidated should himself come forward and swear the information on which the recognizances were required. What was done in England, he and his hon. Colleagues asked might be done in Ireland. They could not conceive a more serious innovation of the law than that which was proposed by the present Bill; and the Amendment of his hon. Friend simply went to the extent of providing that the Government should at least preserve so much of the law in Ireland as existed at the present time in England, in respect of proceedings of the kind. The hon. Member for Tyrone (Mr. T. A. Dickson) had pointed out, with great truth, that it was no uncommon thing in Ireland, that a man who, unhappily for his country, occupied a seat on the Judicial Bench, should both instigate proceedings and sentence the individual afterwards. That was done in Ireland at the present time; and Irish Members therefore asked that the person alleged to be intimidated should come forward in open Court and state the facts. It was not enough in this country that the person should say he was intimidated, because it was for the Court to judge whether the alleged intimidation was sufficient in that particular instance to affect a person of ordinary firmness and strength of mind. If it was not shown that the alleged intimidation was insufficient to disturb the peace of an individual of ordinary strength of character, the Court would then decide in favour of the complainant. But here, in this Act, the police were to be allowed to come forward and say that a man had looked or spoken a word which, in the terms of the Act, would amount to intimidation. Now, it was very difficult to say in what intimidation consisted, because that which appeared to one person to be intimidation might, in reality, be nothing more than salutary advice. It was almost impossible for anyone except the persons threatened in these cases to state, with anything like certainty, whether intimidation was intended or advice. Therefore, it appeared to him that nothing could be more moderate than the proposal of his hon. Friend the Member for Wexford (Mr. Healy), that the person alleged to be intimidated should come forward. The reply of the right hon. and learned Gentleman the Attorney General showed not only how these matters would be settled in Ireland, but also how oblivious he was to the law as it at present existed in this country.

Mr. HEALY said, the right hon. and learned Gentleman the Secretary of State for the Home Department had made an extraordinary admission in saying that the Government would be quite ready to apply to Ireland the same law which existed in England. Now, if that were the case, Irish Members were quite willing to meet the right hon. and learned Gentleman. Under the Workmen's

Act, anyone who was desirous was entitled to be tried by jury. In that sense the right hon. and learned Gentleman might be well assured that they would be ready to agree with him in applying the same law to the two countries. It was said, "You could not have complaint made on the prosecutor's application, because the prosecutor himself was liable to intimidation." But, he asked, would there not be as much intimidation against the man who came forward and gave evidence as the man who prosecuted? But the Government must have evidence in some way or other; and unless the policeman was going to swear that he himself had been intimidated, he did not see that evidence could go before the Court. According to the theory of the Government, a man could not prosecute because he was going to be intimidated —*ergo*, a man could not give evidence because he would be intimidated. A witness who was intimidated might not come forward, and if he came forward he could not be said to be intimidated. He trusted the Government would give some further information on this point, and be induced to abandon for a time their masterly policy of silence. Unless some information was forthcoming, he might feel it his duty to take another step.

MR. TREVELYAN said, it was one of the characteristics of intimidation that the person intimidated was unwilling to come forward and state the fact. He had in his hand a considerable budget of cases of intimidation, from which he would make one or two selections. The first was a case of intimidation of a gentleman, which began in August, 1881, and constituted a typical case of intimidation by means of "Boycotting." In his case, no person, save two or three permanent labourers, could be got to work for him; persons were warned not to work for him; he had great difficulty in getting his stacks in, and patrols had to be kept constantly about the place. In this case a notice was put up on the 7th of August at the chapel gates, calling on every person to "Boycott" him, and warning persons not to deal with him or work for him. Now if the police, or any private person, saw this notice being posted, and identified the persons who posted it, that, of course, could be used as evidence, without resorting to the evidence of the person intimidated. In the next case of "Boycotting," a manuscript notice was posted up in the town and in the vicinity; in some cases there was a manifesto issued; and in another a bellman was sent round to say that a man was not to be dealt with, or his goods bought. Here, also, if you could get the bellman to come forward, you would have clear evidence without resorting to the person intimidated.

MR. PARNELL said, he thought it was quite clear that the notices the right hon. Gentleman had described would come under the category of illegal notices, and could be dealt with fairly by the ordinary law of Ireland. He did not object to special cases of intimidation being forbidden and punishable by law; but he wanted to know what such acts were. It was all very well for the right hon. Gentleman to say such and such acts were what the Government objected to; but they were not in the clause. Certainly it was a common thing, and an act of intimidation, to send a bellman into a town or village to call upon the people to "Boycott" a certain person; and he did not desire, but should reprobate, that practice. If such things had happened during the last six months, it was because Constitutional agitation had been put an end to, and people had been driven to put up illegal notices, and to resort to other practices that were illegal. He did not defend those practices, for they were clearly illegal, and he should be perfectly willing to give the Government power to punish men for such acts; but this clause went much further than that. A short time ago two tradesmen in Miltown Malbay refused to supply a certain man with goods, and Mr. Clifford Lloyd, regarding that as intimidation, gave them so many days within which to supply that man, on penalty of being arrested under the Coercion Act. It was in reference to constructive intimidation of this kind, which was not defined in the Bill, that he objected to give the Government powers. He and his hon. Friends were quite willing to see the Government exercise their ingenuity to define the kinds of intimidation against which they wished to guard; but those acts should be put in the Bill, as in the case of the Conspiracy Act, and then much of their preliminary objection would be removed, and it would not be necessary to insist on the insertion of safeguards such as that moved by the hon. Member. Intimidation was defined in the Act of 1875, but not in this Bill, where it was left entirely vague and open.

Mr. FIRTH said, he did not think the question discussed by the hon. Member quite arose upon this Amendment; but with respect to this Amendment, he thought, in three-fourths of the cases that occurred, the complaint of the person aggrieved ought to be given. That would not, however, be necessary in the remaining fourth.

Mr. O'SHEA said, he did not think a more outrageous exercise of despotic power had recently occurred in Ireland than that referred to by the hon. Member for the City of Cork (Mr. Parnell) at Miltown Malbay. The shopkeepers in that town were called together by Mr. Clifford Lloyd, and told that unless they sold goods to a certain person in the neighbourhood, within three days they would be sent to gaol; and they were not licensed victuallers, who, under their licences, might have been brought under the operation of the law by Mr. Clifford Lloyd or any other magistrate, but ordinary tradesmen, several of whom sold bread and flour, and provisions generally. They were unable to sell to the person in question, because they would, by so doing, have lost all their other custom; and they were accordingly sent to Limerick Gaol. He (Mr. O'Shea) had done his best at Miltown Malbay—and, he believed, not unsuccessfully—to abolish "Boycotting;" and all the people asked for was that it should be clearly laid down what intimidation was. If that was defined, he was sure the people would keep within the law; but it was impossible to keep peace in a neighbourhood where such illegal action was carried on by Mr. Clifford Lloyd.

Mr. O'SULLIVAN said, he would ask his hon. Friend to withdraw the Amendment, if he thought coercion would be exercised on both sides alike. He had heard of a case in which a policeman had met a respectable lady, named M'Cormack, walking with two other ladies through a town in Limerick, and, without assigning any reason, had ordered her to leave the town at once. He was not aware of any Statute which empowered a policeman to act in that way, and such an act was intimidation of the strongest kind. Would the Government prosecute that constable, or any other constable who acted in such a way? He feared the prosecutions would be one-sided, and, therefore, he should support the Amendment.

Mr. HEALY said, he thought the point made by the Chief Secretary for Ireland was a reasonable one; but his Amendment did not deal with that. As the hon. and learned Member for Chelsea (Mr. Firth) had said, that Amendment dealt with a three-fourths majority; and if the Government would bring up an Amendment in that direction, he would be quite willing to make a concession, and withdraw this Amendment. It was not desirable to allude to oneself; but he was arrested by a magistrate, who had got up a case against him, and sent for trial on a charge of intimidation. Yet the man who swore the information against him had also stated that he did it at the request of the Resident Magistrate, but said he was not intimidated. He wished to prevent "fishing" cases being got up; and he would like to know whether the Government would meet him upon that point? The Government might have power to deal with threatening letters; but that was a different thing from the powers to be given under this clause. In one town, a year and a-half ago, the magistrates summoned certain people for collecting money for the "Parnell Defence Fund." Those people were arrested, and charged with intimidating the shopkeepers. The shopkeepers swore they were not intimidated; but the magistrates fined the accused £10 or £20 a-piece. When that decision, however, came before the Quarter Sessions it was quashed on appeal; but that was very poor satisfaction for the shopkeepers, many of whom could not provide the fine. Such cases it was that the Irish Members wished to prevent. As they were willing to meet the Home Secretary as to the cases he brought forward, they hoped he would meet them upon their cases.

Question put, "That the words 'shall be proved, on the complaint of the person or persons alleged to have aggrieved, to have,' be there inserted."

The Committee *divided*:—Ayes 27; Noes 219: Majority 192.—(Div. List, No. 114.)

Mr. DILLON, in moving to insert, in page 3, line 13, after "uses," the words "in a proclaimed district, and after such district has been proclaimed," said, that Clause 20 of this Bill provided that—

> "The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time, when it appears to him necessary for the prevention of crime and outrage, by proclamation declare the provisions of this Act which relate to proclaimed districts or any of those provisions to be in force within any specified part of Ireland."

But there was very great vagueness in the Act as to what were the provisions of the Act, and whether those now being discussed would apply to the whole of Ireland or only to portions; and he proposed to insert these words, so that those portions of the Bill creating new offences should not apply to any part of Ireland where the crime was not of such a character as to require proclaiming. He did not suppose any hon. Member would pretend that every portion of Ireland was in such a state of disorder as to require exceptional legislation; and he thought even the Chief Secretary would admit that the vastly greater part of Ireland had been as peaceable and free from outrage as any part in England. Those districts in which disorder prevailed were the districts heard of; but there were enormous districts where there had been no outrages. It would be monstrous to say that large districts where no outrages had been committed, and no organized intimidation had been carried on or even alleged, should be brought within this Act; and he saw no reason why the question of proclaiming districts should not be left to the discretion of the Lord Lieutenant. There was one other point. The present Coercion Act contained an obnoxious provision—which was largely used and created bitter feelings among the people—and that was the retrospective provision, under which men could be proceeded against for things done before the proclamation was issued. That was a new feature in Acts of this kind; and it was very invidious and improper to make a man subject to a law when he could not know what was an offence. With these views, he moved this Amendment to provide that an offence must have been committed after the district had been proclaimed.

Amendment proposed,

In page 3, line 13, after the word "uses," insert "within a proclaimed district, but after such district has been proclaimed." —(*Mr. Dillon.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, that under the Amendment it would be necessary to proclaim the whole of Ireland. If Ireland were proclaimed, a number of other and severer clauses would be called into general operation; whereas now they were confined to the proclaimed districts. He did not see what hardship there was in making a general law that people should not intimidate others. Intimidation which existed in the manufacturing districts of England had made it necessary to pass a law for its suppression, and that law had been made general to the whole country.

MR. HEALY said, it was proposed to appoint special magistrates to administer this Act. If it was the intention of the Government to appoint special magistrates all over Ireland, was not that exactly the thing which the right hon. and learned Gentleman deprecated? The right hon. Gentleman the Chief Secretary for Ireland had said, in answer to a question put to him, that it was intended to appoint special magistrates all over Ireland, including Ulster.

MR. TREVELYAN said, the promise which he gave was that technically so-called special magistrates would be appointed to sit in the Summary Jurisdiction Courts; and then he went on to say, alluding to a passage in Lord Spencer's letter, in which His Excellency promised that a magistrate who had acted in getting up the case should not sit in judgment on it in the Summary Jurisdiction Court, that it was believed by the authorities that the present staff of Resident Magistrates would be adequate to deal with all the cases under the Act.

MR. DILLON said, he would not proceed with the question then. He, however, considered it of such consequence, on account of the declaration made by the Home Secretary, that he would bring it up again on Report. He hoped the Government would, between this and Report, consider seriously whether they could not make a concession in the direction of the Amendment. The Home Secretary had declared that the whole of Ireland was in such a condition that this law against organized intimidation was absolutely necessary. The point raised by the Amendment could not be adequately discussed in the short time at their disposal now. Therefore, he asked leave to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

MR. CHARLES RUSSELL, in moving, in page 3, to leave out lines 14 and 15, and insert—

> "By acts or threats of violence, or injury to person or property, uses intimidation, or incites any other person to use intimidation,"

said, he considered this Amendment of great importance. He had no desire to conceal the real meaning of the Amendment from the Committee; he desired to have it clearly and openly understood what the effect of the Amendment would be, and he equally desired to have it plainly defined what was to be considered intimidation within the clause. He wanted the intention of the Committee to be clearly expressed in language, so that it should not be left to the arbitrament and decision of a particular magistrate as to what should and what should not, merely according to his view, be intimidation. His Amendment was addressed to two objects. Those objects were to limit the extent and application of the new crime of intimidation, as he ventured to call it, and also to have in the clause itself as exhaustive a statement as possible of what intimidation was meant to be in the clause. He could not avoid saying, at the outset, that the clause in its initiatory words was a very extraordinary one. The opening words of the clause were—"Every person who wrongfully, and without legal authority, uses intimidation," and so on. He hoped the framer of the clause, if he were in the House, would inform the Committee what were the cases in which a man could "rightfully, and with legal authority, use intimidation." He hoped to have some explanation given of what this wrongful and illegal use of intimidation was. Passing by the intention, or "view," as it was called, of the person—

> "To cause any person or persons, either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do," &c.

The clause went on—"In this Act the expression 'intimidation'"—and he particularly called the attention of the Committee to the next words—"the expression 'intimidation' includes any word spoken or act done," &c.; "includes" thereby implying that this was not an exhaustive explanation; "includes" all the things which followed that word. It was left, therefore, practically to the imagination of the particular magistrate who was to administer the law to say what should and what should not be considered intimidation. Recollecting that intimidation was to be made a new crime, it surely could not be the wish of the Committee that the Bill should be drawn in this imperfect way. Then the Bill went on—

> "Includes any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

That was not considered sufficient; but beyond and outside those things were to be certain other things such as in the opinion of the magistrate might mean intimidation. It seemed to him important, in discussing the clause, to inquire what was this crime of intimidation, and what was its history, as we had it in our law. Speaking subject to correction, it was only in recent times—he believed it was the Act of 1873 or 1875—[An hon. MEMBER: 1871.] He thanked the hon. Gentleman for the correction. It was the Act of 1871 which first formulated this crime. Up to that time threats were not strictly so called a crime. They came within the purview of the law in this sense, and in this sense only—that if they were uttered under circumstances likely to provoke a breach of the peace, the person against whom they were uttered had the right, for the sake of preserving the peace, to go before a magistrate and have the offending party bound over to keep the peace towards him. Beyond that, until the Statute of 1871 was passed, intimidation was not considered a distinct offence. The Act of 1871 was followed by the Conspiracy Act of 1875, under which particular acts of intimidation could be dealt with. Both of those Acts applied to Ireland as well as to England; and he would like to know what part of this new enactment was required by the case of Ireland that was not covered by the general law of the two countries found in the Statute of 1875? The Amendment that he proposed would, perhaps, bring out more clearly and more particularly what he desired to convey to the Committee. He proposed that there should be omitted altogether lines 14 and 15; that was to say, the words—

> "Wrongfully and without legal authority uses intimidation, or incites any other person to use intimidation."

And he also proposed to omit the whole of the last paragraph of the clause—namely,

> "In this Act the expression 'intimidation' includes any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

The clause would then run thus—

> "Every person who by acts or threats of violence, or injury to person or property"

—which, of course, would include a threat of injury to a man's wife and family—

> "Uses intimidation, or incites any other person to use intimidation."

He maintained that those words were clear, intelligible, not contrary to any existing law, and they were adequate to the case. It would be said they were not; and his right hon. and learned Friend the Member for the University of Dublin (Mr. Gibson), who had taken the offence of "Boycotting" under his special protection, would say it would not meet the case of "Boycotting." [Mr. GIBSON: Hear, hear!] He expected the right hon. and learned Gentleman to say so, and he (Mr. Charles Russell) would speak with candour too. What were the cases of "Boycotting" that the Government meant to deal with under this clause? Were they cases of individual "Boycotting," or were they cases of "Boycotting" carried on in concert by several persons and amounting to a conspiracy at Common Law? If the Government had in their mind, in framing this clause, "Boycotting" carried on in concert to injure a particular individual, which would amount, at Common Law, to a conspiracy, they would find the clause would not touch such cases; and if the clause was directed at individual cases of "Boycotting," it would create an offence unknown to the law at the present momont. It was to that point he wished to direct the attention of the Committee; and he hoped that the Committee, whether they agreed with him or not, would at least understand that he did not desire to blink the question. Did the Committee desire that there should be created the new offence of "Boycotting" by individuals, and that that new offence should be made a crime under this Bill? [Mr. NEWDEGATE: Yes.] The hon. Member for North Warwickshire gave an emphatic assent to the proposition that individual "Boycotting" should be a crime under the Bill.

MR. NEWDEGATE said, he only affirmed that an individual might be a representative.

MR. CHARLES RUSSELL, continuing, asked what was "Boycotting," as it was generally described? There were two kinds of "Boycotting," as one might easily see. There might be individual "Boycotting." For instance, a man might say to another—"If you do or do not do a particular thing, I will not deal with you; I will not speak to you; I will not recognize you." That was what might be rightly and fairly described as individual "Boycotting." Was that to be made a crime? If so, it would certainly be, of all the novel things that this Act proposed to introduce, the most novel. On what principle, when dealing with the acts of individuals—and he hoped the hon. Member for North Warwickshire (Mr. Newdegate) would recollect he was speaking of the acts of individuals—could they, by Statute, declare it to be an offence for one man to say to another—"If you do or do not do a certain thing, I will not deal with you; I will not consort with you; I will not be on terms with you; I will not employ you or any of your family?" There was no trace of any such offence in any of the Law Books; there was no such moral offence existing in the purview of the law. But then it was said there were other kinds of "Boycotting." He was not defending "Boycotting" in detail or in general. He was arguing the question as a lawyer, desiring to see crime put down. Individual "Boycotting" ought not to be included within the purview of the Bill. Those acts of "Boycotting" which received their sanction in threats of violence against any person, or any member of his family, or anyone in his employ, he admitted, should be covered by the Bill; and he submitted they would be covered by the Amendment he now proposed. How about other kinds of "Boycotting"—

"Boycotting" by individuals combining together for that purpose? That stood in an entirely different category. It was a somewhat curious anomaly in our law that there were certain things that individuals might do by themselves, but not in concert. If a number of persons joined together, and conspired for the purpose of not dealing with a man and of injuring his business, it would be—and ought to be—considered an offence against the Common Law, because their action would amount to conspiracy. But the present clause would not touch such a case. He challenged the Home Secretary or the Attorney General to say whether the clause would touch a case of "Boycotting" by conspiracy, or by concerted action on the part of a number of people. He would not now enter upon the question of the Law of Conspiracy, because he feared it would provoke a somewhat lengthy discussion. All he desired at this stage was to convey to the Committee what were the objects of the Amendment he now proposed. The first object was to exclude from the clause what he thought was now intended to come within its purview — namely, individual acts of "Boycotting," not having illegal and criminal means to give them sanction; to exclude, as not being offences at all under the Bill, what the Prime Minister called exclusive dealing. The second object was, by the terms he had used, to define precisely and accurately, and not leave it to the varying judgment of the magistrates to define, what should be and what should not be intimidation.

Amendment proposed,

In page 3, to leave out lines 14 and 15, and insert "by acts or threats of violence, or injury to person or property, uses intimidation, or incites any other person to use intimidation."—(*Mr. Charles Russell.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. TREVELYAN said, the Amendment which had just been moved by the hon. and learned Gentleman was certainly one of the most important Amendments that had yet been proposed. His hon. and learned Friend took exception to the wording of this most important clause. He took exception, to begin with, to the words "wrongfully and without legal authority." The precedent upon which the Government rested was a very strong one indeed, and that was that the words were in the Act of 1875. He would have imagined that the reason why such words were inserted would have struck everyone. Undoubtedly, acts of intimidation might be used with perfect legal authority, and quite rightfully, under certain circumstances. An hon. Member, earlier in the discussion, took exception to the clause because it would strike too far. He had said that a tradesman might, under the clause, bring an influential customer before the Court, because the customer had written him a letter complaining of his having supplied a bad suit of clothes or a bad sack of flour. He (Mr. Trevelyan) need hardly point out that the very words "wrongfully and without legal authority," would guard against any such case. The hon. and learned Gentleman (Mr. Charles Russell) had said the clause would create a new offence. The crime was not a new one; it was a crime already known to the law; it was a crime under the 7th clause of the Conspiracy Act, in which clause it was stated that any person who, with the view to compel any other person to abstain from doing any act which such other person had a legal right to do, used violence, should be guilty of the offence of intimidation. This was an old crime; but the conditions of the crime were extended in a most important manner by this Act, because in this Act intimidation not only referred to its effect upon the future action of the person intimidated, but it went back, by Sub-section *b* of the clause, and made it a crime to intimidate—

"Any person or persons, in consequence either of his or their having done any act which he or they had a legal right to do."

The English Act did not meet the case of a man who had paid his rent, and who, in consequence, was subjected to intimidation. The gist of the Amendment laid in the omission of the words "business, or means of living." The hon. and learned Gentleman asked what were the acts of "Boycotting" which the Government intended to deal with? And he said it was necessary to define those acts, so that magistrates might be perfectly aware what the crimes were they had to deal with. The Government had defined those acts as they best knew how, and he was inclined to think that the words "business, and means of living," were all-important, and could not be omitted from the clause without upsetting the main purpose for which the clause was intended. His hon. and learned Friend asked if the "Boycotting" the Government meant to strike against was an individual act, or an act of conspiracy? If it was an individual act, he contended that they would create an offence unknown to the law. The Government were not so careful to deny that; but they said it was recognized as an offence which was almost universal in large parts of Ireland. He was very glad to think there were large districts of Ireland—he believed that at this moment there were 10 counties—where "Boycotting" might be said to be an almost unknown offence. Where, however, it did exist, it was aimed at a man's "business, or means of living," words which the hon. and learned Gentleman wished to exempt from the scope of the clause. What was "Boycotting," and how was it carried on? He would give them a description by a friend of the system. A rev. gentleman, speaking at a public meeting, used these words—[MR. HEALY: Name?] It was the Rev. Mr. Rowan. He said—

> "He wished to remind them that to meet this array of mighty warriors, great generals, and English gold and influence, they had but one weapon—that weapon the substitute of the old pike that did such good service in 1798 (applause), and that was the all-powerful weapon, the power of 'Boycotting,' the power of crushing by social ban, as by a Nasmyth steam-hammer of a thousand tons, every traitor to the country (cheers). Use that weapon with discretion, use it wisely, but, when needed, use it without mercy (renewed cheers)."

Now this was the systematic nature of this offence, this system of resistance to law.

MR. DILLON asked on what date the speech was made?

MR. TREVELYAN said, the speech was delivered on the 27th September, 1881, and the extract was taken from *The Freeman's Journal.*

MR. DILLON: The place?

MR. TREVELYAN said, he did not know the place. The worst of all was, that this systematic resistance of the law was carried out at the expense of the personal suffering of individuals. Now, that was a description of a friend of the system. He would give them a description of it by a very determined foe. Mr. Justice Barry, speaking at the Winter Assizes of 1882, said—

> "I am one of those who do not attach the same importance to them as others do, for I think they never represent any intention to commit the injury threatened; but I think the posting extensively through the country of threatening notices promoting a system of intimidation stands upon an entirely different footing, especially if they are used for the promotion of that terrible system of intimidation recently introduced into this country, and now known by the name of 'Boycotting;' and more especially when the injuries that are threatened are daily and hourly inflicted on persons and property in various parts of the country. In this county (Waterford) we find threatening notices on all sorts of subjects. 'Not to use a mowing-machine,' is one. 'Not to deal with a certain shopkeeper.' 'Not to work for a particular man.' And to a shopkeeper—'Not to supply goods to a particular man.' Such notices as these spread terror and intimidation."

"Boycotting" notices were directed also against magistrates for doing their duty on the Bench; in consequence of which, in one case—and here he could give the gentleman's name; it was the case of Mr. Stopford—provisions were refused to be served to the magistrate of the village by those with whom he had been in the habit of dealing, and who were deterred against their will from serving him. He had given this gentleman's name; but in these cases, for obvious reasons, he should be by no means ready to give names. A baker in a neighbouring town had also received a threatening letter, warning him not to supply this magistrate of whom he spoke with bread. This was an instance of interference with a magistrate for performing his duty as a magistrate. In another instance, the absolutely necessary police system for the preservation of law and order had been interfered with. The Resident Magistrate wrote that, referring to the Government Minute, he begged to state that a certain man who was a pawnbroker, and who carried on other trades, had been "Boycotted" in the various branches of his business, because he had given the use of his cars to the police. The letter went on to say that the system of "sending to Coventry" and persecution of every possible kind—this more than petty persecution—was regulated and conducted by notices, which were posted in all parts of the town and frequently renewed.

MR. DILLON: May I ask the date of that letter?

Mr. TREVELYAN said, the date was September 27th, 1881. Then, another most necessary condition of "Boycotting" to bear in mind was its close connection with terrorism. It was impossible to separate the system of "Boycotting," properly so called, from terrorism. In one case, a bailiff and under agent was "Boycotted," because he was supposed to have recommended the eviction of a man who owed several years' rent and would not pay. The "Boycotting" was commenced in August, 1881, and, in order to effect it, a well-known ruffian in the vicinity went about actively engaged in intimidating the persons who had been working for that man.

Mr. HEALY: Why was he not arrested under the Protection Act? [*Cries of* "Order!"]

Mr. TREVELYAN said, he would read three or four instances to the Committee from the Government Return, which would show how inextricably this system of "Boycotting" was mixed up with the grosser forms of terrorism, and how impossible it was to separate them. Shots were fired into a house, and the inmates were warned not to deal with a shopkeeper who had been "Boycotted" because he had paid his rent. A threatening notice was posted on a man's door for having taken conacre on the landlord's farm. In the county of Clare shots were fired into the house of a farmer, who had in his employment a workman whose mother acted as laundress to a "Boycotted" smith. He could give various other instances from the Papers before the House, in which outrages had been committed to support the system of "Boycotting," and where that system had been directed against men's businesses and means of living. The extreme cruelty inflicted by the system could be illustrated from every class of life. A blacksmith became thoroughly "Boycotted;" although doing a very good business before, and earning 30s. a-week, he was soon reduced to penury and sickness, and even the medical officer who attended him incurred great unpopularity for doing so. That cruel system was pursued very far indeed. He would mention a case, which had often been referred to as one of hardship inflicted by the authorities—the case of Mrs. Maroney, of Miltown Malbay. She was "Boycotted," she was intimidated by threatening letters, her servants were similarly intimidated and compelled to leave her; while a man-servant, an old man named Simmonds, 77 years of age, was shot dead by his own fireside because he refused to leave her. He would not occupy any more of the time of the Committee by reading cases which proved how inextricably "Boycotting" was connected with loss of business and means of living. "Boycotting," which was, in his opinion, so marked in every respect by the result attending every other class of outrage and intimidation, was mixed up with those grosser forms of outrage that everyone recollected, and that the hon. and learned Member for Dundalk (Mr. Charles Russell) had not lost sight of. With regard to the Amendment of the hon. and learned Member, he looked upon it with great suspicion, because he could not but think that it laid itself open to the same difficulty that they experienced in connection with the Amendment of the hon. Member for Wexford. He did not think it was easy to bring home cases of intimidation without assistance from the intimidated person, which that person was so often unwilling to give. He would give an instance, which might have been adduced against the Amendment of the hon. Member for Wexford (Mr. Healy), which would show to hon. Members the conclusion which attended so many of these cases of "Boycotting," and the reason why considerable power should be put into the hands of the magistrates, to draw conclusions from the facts before them as to whether intimidation was practised or not. Some years ago, a man named Geelan was evicted from Lord Leitrim's property in the County Leitrim. About a year ago a man named Bernard Beirne took the farm formerly occupied by Geelan, and had since been unpopular. On the 8th November, Bernard Rutledge, a farm-servant of Beirne's, was met on the farm by a party of four men, disguised by having their faces blackened, was knocked down, and a spear held to his chest, one of the men threatening him and a fellow-servant of his—not present—and saying that if Beirne did not give up his farm he would be killed. Police protection had since been afforded to Beirne. On the 11th November, the people at the fair of Mohill refused to have any dealings with either Beirne or his son, in the way of buying or selling. On the 25th November, a letter, signed "Bernard Beirne," appeared in *The Leitrim Advertiser* newspaper, saying that, as he was unable any longer to stand the "Boycotting" to which he had been subjected, he pledged himself to surrender the farm. Beirne had since given up possession of this farm, and the police protection afforded him had been withdrawn. That was an instance of the combination of violent outrage and "Boycotting," or interfering with a man's business or means of living, by which thousands of people had been brought to ruin. In this case and so many others that system was triumphant. The Government were determined that they would only endeavour to administer Ireland on condition that that system should triumph no longer. They were glad to think that the system was only local, and that there were some counties—he might say many counties—which were free from it; but where it existed they were quite determined that they would not put up with it; and, in order that that end might be accomplished, they considered it necessary for the House of Commons to give them power to deal with the subtler and, generally speaking, with the earlier stages of this dreadful malady.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Dillon,*)—put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

SETTLED LAND BILL [*Lords*].

(*Sir R. Assheton Cross.*)

[BILL 120.] COMMITTEE.

Order for Committee read.

SIR R. ASSHETON CROSS said, he wished to move that the Order for going into Committee on this Bill be discharged.

Motion made, and Question proposed, "That the Order for going into Committee be discharged, and that the Bill be committed to a Select Committee."—(*Sir R. Assheton Cross.*)

MR. ARTHUR ARNOLD said, he proposed to leave out all the words after the word "discharged" in the Motion of the right hon. Gentleman the Member for South-West Lancashire, his proposal being virtually one for the rejection of the Bill. He (Mr. Arthur Arnold) would be very greatly embarrassed, no doubt, if he were putting his opinion on any matter of law against that of the right hon. Gentleman, or of the noble and learned Lord (Earl Cairns), who was the author of the Bill. But the opposition which he offered to the measure was not inconsistent with a great admiration for the masterly skill which had been displayed in its framing, and the power the noble Author of the Bill had shown in dealing with that "tortuous and ungodly jumble," the English law with regard to real property. In the clauses of the Bill there was not a tittle of amendment of the Law of Settlement in regard to land in this country. If it were reasonable to think, as he confessed he had always hoped, that great learning was combined with a strong desire for the welfare and improvement of mankind, what must be the pain with which such a distinguished lawyer as Lord Cairns framed a measure of this sort, in which he made not the slightest effort to reform abuses which, for many years, had been cried out against. In 1859, Lord Cairns, in this House, had spoken against the law as to transfer of land in language quite as strong as he (Mr. Arthur Arnold) could himself have desired to use. And when the late Government were in the waning months of their power, it was proposed to bring in this amongst other Bills. In the last year of Office of Lord Beaconsfield's Government, the Bill now before the House was brought in by them, with a great flourish of trumpets. To put the matter shortly, his objection to the Bill was four-fold. He objected to it—First, because it was not compatible with any comprehensive measure for Land Law Reform, and could not possibly form a part of any effective dealing with the laws relating to the transfer of land, or the law relating to the settlement of land. Secondly, he objected to it, because it came to this House from another House——

MR. MONK said, he rose to a point of Order. He wished to ask whether it was competent for the hon. Member, at this stage, to enter into an argument against the Bill after half-past 12 o'clock?

Mr. SPEAKER: I consider that the Rule with regard to opposed Business does not apply in this particular case, because the right hon. Gentleman in charge of the Bill does not propose to advance it, and, hereafter, the Question that the Speaker do leave the Chair will be put from the Chair in the usual manner. The hon. Member (Mr. Arthur Arnold) proposes to leave out all the words after the word "discharged." I must point out to the House that the Motion before the House consists of two parts. First of all, the House will have to determine the Question whether the Order of the Day shall be discharged; and I presume that the hon. Member would have no objection to that proposition. Then, the second Question put would be "That the Bill be referred to a Select Committee," and on that Question the hon. Member would be in Order in voting the negative. If the hon. Member will allow me, I will first put the Question which refers to the Committee being discharged.

Question, "That the Order for going into Committee be discharged," put, and *agreed to.*

Motion made, and Question proposed, "That the Bill be committed to a Select Committee."—(*Sir R. Assheton Cross.*)

Mr. ARTHUR ARNOLD said, he thanked Mr. Speaker for putting him in Order. He would now propose that they should reject the Motion for referring the Bill to a Select Committee. The second reason why he wished to see the measure thrown out was because it had been sent down to this House from another House, which was composed mainly of tenants for life, for whose benefit, together with other tenants for life, the measure had been composed and devised. The House of Lords told them distinctly that they did not think that settled land required legislation of a more extensive character. He objected, in the third place, to this measure, because, whereas the great need of the country was the liberation of the land, this Bill would certainly provoke a further settlement of landed estates, and would, it was absolutely certain, largely increase the area of land under settlement in this country. And, fourthly—and he was sorry to interrupt the conversation of hon. Members opposite—he objected to the Bill, because Her Majesty's Government were pledged to introduce a measure dealing in a comprehensive manner with this subject. The present Parliament, he held, was specially charged by the people of this country to deal with the question of Land Law Reform—some said to restrict the practice of settlement——

Mr. SPEAKER: The hon. Member appears to be discussing the Bill in detail, although the question before the House is simply that the Bill be referred to a Select Committee. I must point out to the hon. Member that upon a question of this character he is not entitled to discuss the Bill as a whole.

Mr. ARTHUR ARNOLD said, he should be careful to confine himself to the matter before the House. Why he thought the measure should not be referred to a Select Committee was because he believed it would promote the settlement of land, and because the House of Lords told them, by the voice of Lord Cairns, that this was the full measure of their views as to the legislation that was required on the subject. As to his third objection, the area of settled land in the country was now estimated at 50,000,000 acres——

Mr. WARTON said, he rose to Order. The hon. Member was now going into the question of the area of land.

Mr. ARTHUR ARNOLD said, the effect of this Bill would be to increase the area of land under settlement. He would only refer to the opinion of a very distinguished authority on this Bill, which would certainly be very much in point, and which, he thought, would decide many hon. Members with regard to it. Sir James Caird said that, under Lord Cairns' Bill, a limited owner would have power to sell—first, in order to pay off debt; and, secondly, to raise money for improvements——

Mr. SPEAKER: I must point out to the hon. Member that he is not in Order in going into these subjects. On the Question to go into Committee on the Bill, or on the Motion that the Speaker do leave the Chair, the hon. Member would be in Order; but he is not in Order in going into these matters on the Question that this Bill be referred to a Select Committee.

MR. ARTHUR ARNOLD, resuming, said, then he would only say that he objected to the measure, because this Bill could form no part whatever of any comprehensive measure for dealing with the subject with which it professed to deal, because it would tend to increase the area of settled land and hinder the progress of reform by producing some satisfaction among the limited and powerful class of tenants for life; because it tended to confirm and perpetuate the public evil of settlement. He asked the House to reject the proposal for a Select Committee, joining with himself in the hope that Her Majesty's Government would, at the earliest possible date, engage themselves in a comprehensive measure for dealing with the whole of this important subject.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he did not wish at that hour to occupy the attention of the House, and having before him the ruling of the Chair, he would not go into details. So far as he had authority to express the views of the Government, they were disposed to give the Bill their careful support, and the best way of giving it consideration was by means of a Select Committee. He could not refrain from saying that they ought to be generous in their way of dealing with the Bill, seeing that it proceeded from those who were the political opponents of the Government, and they could not deal with it in any narrow spirit, accepting the high authority from whom it had emanated. With reference to what had been said, he would only say that he did not endorse the view that they ought to accept no reform unless it was an entire and complete reform. He thought, in the first place, that it would be more prudent if they travelled by degrees, instead of attempting to do that which would shock the feelings of many, by a measure which should be more comprehensive. He thought the step proposed to be taken, to give to tenants for life, and limited owners, power to sell an estate, and so free it from encumbrances, or from being held by persons who could not do justice to the land, was a substantial reform. The step was the more important, and should be gladly accepted as an acknowledgment from those from whom, in the first instance, it would not have been expected to proceed, that they were willing to make great concessions. He felt that on these matters of detail the Bill would be best dealt with by a Select Committee, especially as, he hoped, that Committee would be composed of Members having special knowledge and experience of matters relating to real property. He hoped the Bill would come out of that Committee in a shape that would effect a substantial reform, and as a measure which any sincere reformer would sacrifice personal opinions to obtain.

MR. HORACE DAVEY said, as he had a Motion on the Paper for referring the Bill to a Select Committee, he could only express his gratification that the right hon. Gentleman had been good enough to accede to that course, or, perhaps, he had no right to suppose that he had any influence with the right hon. Gentleman; but he was glad the proposal for a Committee had his support. For himself, he gave a general support to the Bill, and, disagreeing with the hon. Member for Salford (Mr. Arthur Arnold), believed it to be a step in the right direction; that it was a measure which, if passed, would give considerable relief to landowners; and, more than that, it would remove several of the more prominent objections rightly made to the system of settlement in this country. It was a Bill that ought to have general support; but, at the same time, it was a Bill as to the details of which most careful consideration was required, because everbody who had taken part in the administration of the Law of Settlement, and had particular acquaintance with a Bill of this character, knew that these details needed to be carefully tested by those acquainted with the workings of these things. It was for this reason, and out of no spirit of hostility to the Bill, he had put down his Motion for a Select Committee. Having said thus much, he would only say that, in supporting the Bill, he considered himself perfectly free, when the hon. Member for Salford, or any other Member, or any Government brought in a measure dealing with the law relating to the settlement of real estate in a comprehensive spirit, or even partially—he considered himself perfectly free to support any measure of the kind. In supporting the present Bill, he did not consider that he or any Member prejudiced himself from dealing with the subject in a larger way. But he felt quite sure of this, that anybody who had tried his hand at legislation of what the hon. Member for Salford called a "more comprehensive character," had felt the extreme difficulty of the undertaking. This he would venture to say, for he had himself tried his hand at it, and had drafted Bills for the purpose, and he had always found the extreme difficulty in his way of in any way abolishing or limiting the power of settling real estate, unless, at the same time, you abolish or limit to the same extent the power of settling personal estate; and, so far as he could judge, he did not think public opinion would sanction or support any measure by which persons would be prevented from making provision for their wives or families on marriage or by will. In that being so was the extreme difficulty; and any conveyancer or lawyer would be able to defeat the best-drawn scheme by charging the real estate, with a sum of money, and settling it, or by vesting the real estates in trustees for sale. But he did not consider that because he was an advocate of a more drastic way of dealing with the subject he was precluded from giving his support to this Bill.

Colonel ALEXANDER said, as the Bill was applicable to Scotland, he hoped that Scotland would be represented on the Committee by Members from both sides of the House. Care was always taken to include Irish Members on every Committee, but Scotland was as often neglected; he, therefore, felt it his duty to say that he should oppose the nomination of any Committee that did not contain a proper proportion of Scotch Members.

Mr. H. H. FOWLER said, he must dissent from the views expressed by the hon. Member for Salford (Mr. Arthur Arnold). The Bill was a very wise and a very safe step in the direction of Land Law Reform, and he was surprised that the House of Lords had passed so sweeping a measure as this was, with respect to the power it proposed to give to tenants for life of settled estates. Though the Bill did not go to the extreme in altering the Law of Settlement, it went, as the hon. and learned Member for Christchurch said, as far as public opinion was prepared to go. When the Bill had gone through the ordeal of a Select Committee, he hoped it might emerge in such a shape that it would pass this Session, and be one of the greatest improvements in the law on the subject that the country had obtained for many years.

Mr. MELLOR said, he hoped the Bill would be sent to a Select Committee, and only wished to add to what had been said by the hon. and learned Member for Christchurch that he was anxious to have a discussion as to the propriety of extending the Bill to the property of intestates. On this subject he had introduced a Bill last Session, but it was blocked, and he had been unable to obtain a discussion, and with the same object he had placed a Notice on the Paper that the Committee be instructed that they have power to extend the Bill to the disposal of land not devised by will, or included in a settlement; and he hoped that if he did not move this Motion to-night another opportunity would be given of raising the question.

Sir R. ASSHETON CROSS said, he was glad to have the views of the Attorney General on this matter. He was not going to say that this was the only reform that could be made, far from it; but he was quite sure that it was a substantial reform, and that it was actually wanted. It would be unwise to object to the passing of a Bill of this kind, because it failed to remedy all the defects in the law on the subject, for it did remove a great many of those blots so often charged against it by owners of land. No doubt the Bill would meet a great many of the difficulties which had to be dealt with, for it would enable the limited owner to act much as the real owner would for the benefit of the estate. The hon. Member who moved the rejection of the Bill objected that it did not form a settlement of the question; but it was largely so, and he could not help thinking that when the Bill came into the Committee, of which he hoped the hon. Gentleman would be a Member, it would be found that the reform was a very great one, and ought to be accepted. He agreed with many of the observations of the hon. and learned Member for Christchurch (Mr. H. Davey), as well as those from the Attorney General, and he was quite sure that the Bill would not only enable holders of land who were limited owners to do all that owners in fee ought to do, but it would have this practical effect, that a larger amount of land would be thrown into the market than was the case at the present moment. His hon. and gallant Friend behind him (Colonel Alexander) expressed a desire that Scotch Members should be nominated on the Committee; but the misfortune was that, owing to the peculiar tenure of the land there, this Bill did not apply to Scotland at all, and the hon. and gallant Member would see from the 1st clause that it did not extend to Scotland. It might be wise, perhaps, to extend a similar measure to Scotland; but this Bill did not propose it, and he hoped that that objection would not be pressed. He only hoped the Bill would be referred to a Select Committee at once; that the Committee would sit as soon as possible, and that during the Session the measure might pass. He could only say to the observations of the hon. Member opposite as to the Bill of last Session that if he would again bring it forward he (Sir R. Assheton Cross) would do his best, so far as he had any influence, to obtain for it a fair discussion.

Mr. ARTHUR ARNOLD said, he desired to explain that, in his first objection, he had quoted the words used by the present Lord Chancellor himself.

Mr. LABOUCHERE said, he trusted the Bill would be referred to a Select Committee, and that full opportunity would be given to consider the names of those nominated to serve thereon, because if he did not find among those names that of his Colleague in the representation of Northampton, who had much spare time, and who had a perfect legal right to sit on any Committee of the House, he should add his name to the nominations, and take the sense of the House upon it.

Sir R. ASSHETON CROSS said, he did not wish to touch on the last question raised; the hon. Member could take any course he thought proper; but perhaps the proper course now would be to withdraw the Motion actually before the House, and move that the Bill be referred to the same Committee that should be appointed for the Conveyancing Bill.

Mr. LABOUCHERE rose to Order. Was the Committee to be settled by arrangement between the two Front Benches without the House knowing the names of the Committee? He wished to raise the question of the appointment of his Colleague.

Sir R. ASSHETON CROSS explained that no Members had yet been appointed. The names would be put down to-night for dealing with both Bills.

The LORD ADVOCATE (Mr. J. B. Balfour) said, with reference to the suggestion which had been made that the Bill should be extended to Scotland, that no later than yesterday a Bill applicable to Scotland had been introduced in the House of Lords, not only containing conversion clauses similar to those occurring in this Bill, but also provisions for disentailing.

Motion, by leave, *withdrawn.*

Motion made, and Question, "That the Bill be committed to the Select Committee on the Conveyancing Bill," —(*Sir R. Assheton Cross,*)—put, and *agreed to.*

VAGRANCY BILL.—[Bill 62.]

(*Mr. Pell, Mr. John Talbot, Mr. Bryce, Mr. Cropper, Mr. John Hollond.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Pell.*)

Mr. DODSON said, he had had some communication with his hon. Friend the Member for South Leicestershire (Mr. Pell) in regard to this Bill. The Government could not accept the Bill in the form in which it stood; but he had suggested to his hon. Friend certain Amendments, and if he would agree to their insertion, the Government would assent to the second reading, with the understanding that the Bill should afterwards be committed *pro formâ*, to receive the Amendments proposed by the Government. It was not necessary to detain the House then with any further observations.

Mr. PELL said, he was in hopes that the right hon. Gentleman would, though the hour was late, have mentioned the nature of the changes be proposed should be adopted. They were important; one especially, which touched a principle of the Bill—namely, the removal of the demoralizing distinction the law draws between the class termed tramps and ordinary paupers. In accepting the proposal, he could not do so without observing that he thought they were losing sight of a very mischievous state of things which now existed. We had in our country something like 40,000 or 50,000 persons who, under the invidious term of "tramps" or "vagrants," were treated in a very different way from other destitute persons. In our workhouses as little as possible was given them to maintain life for a few hours; the next morning all the work that could be got out of them was exacted, and then they were dismissed with the certainty that they could not get through the day without some offence against the law; and they passed on to the next workhouse, miserable examples of cruel, impolitic, un-Christian, barbarous treatment. The Government said, if the 4th clause were removed, the Bill could go forward. Now, a great deal had been said about centralization; and over and over again it had been asserted by heads of Departments, and especially by the heads of the Local Government Board, that nothing was more mischievous than the exercise of a centralizing authority. Here, however, in reference to this particular portion of the Bill, while the opinions of Boards of Guardians throughout the country had been taken, and they, after mature deliberation, and on their own experience as local authorities—small, perhaps, but important—were almost unanimous in removing this degrading distinction, the central authority—the Local Government Board—stepped in and set local opinion at nought. There were one or two other matters in which the Government required modifications, though they were not so important as the point to which he had referred; and with the objections to the 6th clause he would not now trouble the House. He was prepared to accept the offer of the Government—thankful for small mercies, and a step in the right direction; and if it was the pleasure of the House, he would ask that the Bill be now read a second time.

Mr. CROPPER said, he was glad to find that the Local Government Board had accepted the Bill. One important feature in the measure was, that Boards of Guardians would be enabled to detain travelling vagrants for a longer time—a useful provision, that would enable Guardians to exercise some deterring influence over vagrancy. Other portions of the Bill would be best discussed in Committee; and he should be glad to see it passed, in the belief that it would have a good effect throughout the country.

Mr. BRYCE said, he regretted that the President of the Local Government Board could not accept the Bill in the form in which it was introduced; but the particular Amendments which the Government proposed to make were matters for discussion in Committee. He agreed with his hon. Friend the Member for South Leicestershire that the Bill was better in its present form than in that to which the right hon. Gentleman proposed to cut it down. But, at the same time, as an instalment, it was valuable; and it was worth while to accept even this modification in the treatment of vagrants. He hoped his hon. Friend would bring in his Bill again next year, and persevere in his attempt until something considerable was done in the direction which the Bill indicated.

Mr. J. G. TALBOT said, it was the misfortune that there seemed to be no discussion upon anything save that which had relation to Ireland. There was an opportunity for a discussion of this Bill some 14 days ago, on a Wednesday afternoon; but, since then, the condition of things had become intensified, and there was still less prospect of a discussion. In the result, the House was now asked to give assent to the second reading of a Bill on a subject to which many Members, irrespective of political Parties, had given considerable attention, and with which Bill they were not thoroughly acquainted, while, at the same time, they were told the Bill was to be considerably amended, he might almost say emasculated, in Committee. Really, he did not know what the Bill was to which they were asked to give a second reading. Of course, he agreed in the maxim, "that half a loaf was better than no bread;" but he was sorry the right hon. Gentleman did not give some indication of the alterations he proposed, rather than leave to the hon. Member for South Leicestershire the task of mutilating his own offspring. He, with the faltering voice a parent would naturally adopt under such circumstances, told the House of important changes he was bound to accept in Committee. He (Mr. J. G. Talbot) would only now say that he regretted exceedingly that a Bill which seemed to be a moderate and, presumably, an useful alteration of the law, should be turned into a mild, he might almost say an inefficient, attempt to deal with a great question. At that hour he would not detain the House beyond saying that he gave his unwilling assent to the second reading of this emasculated Bill, and he hoped that next year a more efficient attempt would be made to deal with the subject.

Question put, and *agreed to.*

Bill read a second time, and *committed* for *Thursday*.

COMMONABLE RIGHTS BILL.

CONSIDERATION OF LORDS' AMENDMENTS.

Order for Consideration of Lords Amendments read.

Motion made, and Question proposed, "That the Lords Amendments be now considered."

Mr. WARTON said, he wished to call attention to the position in which the House stood with regard to this Bill. They had not the Bill as it was printed by the Lords, and they had a Paper of Lords' Amendments, which even in the paging did not correspond with the Bill. He, therefore, objected most strongly that they should be asked to go on with a measure in which they did not even know the effect of the Lords' Amendments they were asked to agree to. He had the greatest respect for the House of Lords—more, perhaps, than was entertained by hon. Members on the other side; but here was the absurd position—the House was asked to leave out something on page 4, and the Bill had no page 4 in it. He begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Mr. Warton.*)

Mr. BRYCE said, the hon. and learned Member must be under some mistake. He held a copy of the Bill in his hand, and there certainly was a page 4 in it. The Lords' Amendments were simple and short, the Paper contained a sufficient reference to the places where the Amendments came in, and he did not think that any hon. Member, with the Bill and the Paper before him, would have any difficulty in seeing the effect of the Amendments. They were extremely simple, they offered not the least difficulty, and, while they were improvements, they made no considerable alteration in the substance of the Bill.

Mr. WARTON said, he was under no mistake, and within the last few minutes he had been in the Vote Office. Perhaps the hon. Member had an opportunity of getting a copy of the Bill not open to all. No doubt the hon. Member had a sufficient copy before him; but he (Mr. Warton) had something else, and he repeated that in this something else there was no page 4.

Question put.

The House *divided:*—Ayes 16; Noes 38: Majority 22.—(Div. List, No. 115.)

Original Question put, and *agreed to.*

Page 3, line 6, leave out the word "Enclosure," the first Amendment, read a second time.

Mr. WARTON said, he rose to Order. Would the Amendments be read by the Clerk and considered *en bloc*, or would they be taken separately?

Mr. SPEAKER: Each Amendment will be considered by itself. Does the hon. and learned Member object to the Amendment?

Mr. WARTON said, he did so. Looking to the reference and then to the Bill, he did not find in line 6, on page 3, the word "enclosure" appearing at all, and he was quite unable to see how they could consider the omission of a word from a line where it had no existence. The hon. Member for the Tower Hamlets (Mr. Bryce) had given an assurance, which, no doubt, could be relied on, that these Amendments were all right; but, right or wrong, he (Mr. Warton) took the course of objecting to proceeding to vote without having proper information as to what they were doing. It was absurd in the face of the country to do such things. How could the word be left out of the line when there was no such word in? He begged leave to object to the Amendment, and would take the sense of the House upon it.

Motion made, and Question put, "That this House doth agree with the Lords in the said Amendment."

The House proceeded to a Division.

Mr. Warton was appointed one of the Tellers for the Noes, but no Member appearing to be a second Teller, Mr. SPEAKER declared that the Ayes had it.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

Subsequent Amendments *agreed to.*

Schedule.

MR. WARTON said, he desired one parting observation. He did not object to the addition of the Schedule, for however imperfect a Bill might be, it must have an end somewhere; but how Amendments could be made on a page 4 that had no existence he did not understand.

Schedule *agreed to.*

CORN RETURNS (NO. 2) BILL.

On Motion of Mr. CHAMBERLAIN, Bill to amend the Law respecting the obtaining of Corn Returns, *ordered* to be brought in by Mr. CHAMBERLAIN and Mr. JOHN HOLMS.

Bill *presented*, and read the first time. [Bill 193.]

SETTLEMENT AND REMOVAL LAW AMENDMENT BILL.

On Motion of Mr. DODSON, Bill to amend the Law of Settlement and Removal, *ordered* to be brought in by Mr. DODSON and Mr. HIBBERT.

Bill *presented*, and read the first time. [Bill 194.]

House adjourned at a quarter before Two o'clock.

* * *

HOUSE OF COMMONS,

Wednesday, 7th June, 1882.

MINUTES.]—PUBLIC BILLS—*Committee*—Prevention of Crime (Ireland) [157]—R.P. [*Sixth Night*]; Allotments * [90]—R.P.; Interments (Felo de se) * [98]—R.P.

Considered as amended—Tramways Provisional Order * [141]; Tramways Provisional Orders (No. 2) * [149].

Third Reading—Local Government Provisional Orders (No. 3) * [152]; Pier and Harbour Provisional Orders (No. 2) * [150], and *passed.*

QUESTIONS.

* * *

EGYPT (POLITICAL AFFAIRS.)

MR. M'COAN asked the Under Secretary of State for Foreign Affairs, Whether, in the event of the Porte declining to take part in the Conference on Egyptian affairs, the Conference will still be held; and, in case it be not held, whether the English and French Governments will enforce compliance with the terms of their recent joint requisition to the Egyptian Ministry, or, failing the active co-operation of France, Her Majesty's Government will themselves take the necessary military measures to put down the revolutionary movement and restore the status quo in Egypt? The Question appeared in the Paper that day instead of yesterday, in consequence of a clerical error, and if more convenient to the hon. Baronet, he would postpone it till to-morrow.

MR. ARTHUR ARNOLD said, that before his hon. Friend replied he wished to put a Question to him with reference to a despatch from Sir Edward Malet. The following words were used in the despatch:—

> "The first idea which has occurred to us all is that the ex-Khedive, Prince Halim, and the Porte itself are behind the scenes. It is impossible to prove that they are not."

He wished to ask, Whether the Foreign Office were in possession of any information upon that subject?

SIR CHARLES W. DILKE: Sir, I must answer the Question of my hon. Friend the Member for Salford (Mr. Arthur Arnold) in the negative. I may point out that the extract referred to is from a despatch of September last, and does not apply to the present circumstances. With regard to the Question that stands upon the Paper, I fear I must refer my hon. Friend (Mr. M'Coan) to the reply I gave on Monday to the right hon. Gentleman on the Front Bench opposite (Mr. Bourke). It would not be for the public interest that I should at the present time make any further statement, or discuss the matter referred to in the Question, relating as it does to a serious and delicate matter, one which it is not easy to discuss in answer to a Question.

SIR WILFRID LAWSON: The hon. Baronet the Under Secretary of State for Foreign Affairs said, in one of his answers yesterday, that the object of the Government was the restoration of order in Egypt. Perhaps the hon. Baronet will be able to state, Whether the Government have any information showing that order has been disturbed in Egypt by the continuance in office of Arabi Bey?

SIR CHARLES W. DILKE: Sir, the Question turns on the meaning you attach to the word "order." When the Papers come out I think my hon. Friend will see that order, in one sense, has been very considerably disturbed in Egypt.

PARLIAMENT—ORDER IN DEBATE—MR. O'KELLY, M.P. FOR ROSCOMMON.

MR. HEALY: I wish, Mr. Speaker, to ask you a Question on a point of Order. I find, in the "Votes and Proceedings" of the House for yesterday, with reference to the remark made last night by my hon. Friend the Member for Roscommon, the following entry:—

> "Mr. O'Kelly, Member for Roscommon, having in the course of the Debate referred to a speech of the Right honourable the Member for Bradford as 'the Right honourable Member's infernal speech,' the Clerk was directed to take down the said words, and the same were taken down accordingly. Whereupon Mr. O'Kelly desired to withdraw the objectionable words, and apologised to the Committee for having used them in the heat of Debate."

I contest entirely, Sir, the accuracy of that entry. No Motion to any such effect was carried. The Motion was only made, and was not put or adopted; and I therefore consider that that record should not appear in the Votes, because, in point of fact, no directions were given to the Clerk or anybody else. On the Motion being made, and before it was carried, the hon. Member rose in his place, and apologized for what had taken place. The entry that the Clerk was directed to take down the said words is an entry which I dispute, and, moreover, I allege that the entry is inaccurate. It does not give exactly the words which my hon. Friend used. My Question, Sir, is this—Whether there are any means by which a Member of the House can contest an entry made by the Clerk, if he considers that it is a wrong entry; and, whether we have now any means of rectifying the statement which appears in the Votes?

MR. SPEAKER: With regard to the practice of taking down words, I have to point out to the House that it is not done by a Motion made and debated in the House; but it is done at the discretion of the Speaker or Chairman of Committees as the case may be. If the Speaker or Chairman considers that it appears to be the evident desire of the House that the words should be taken down, he gives directions accordingly, and no Motion is made.

MR. HEALY: Mr. Speaker, is there no means by which we can have an accurate record of what took place, and of the exact words the hon. Member used? The expression my hon. Friend used was, "the same infernal speech," and I wish to ask whether I would be in Order in moving that the record be amended by the insertion of the word "same?" It is of the highest consequence that we should have verbal accuracy in such a matter, as the entire point turns upon it. I think my hon. Friend will bear me out in what I have said that those were the words he used, and I would ask whether we can amend the record to the extent we have stated?

MR. SPEAKER: The entry was founded upon the statement of the Chairman of Committees at the time, and the entry is exactly in pursuance of what the Chairman stated to be the occurrence as it took place. It was read out at the time, and the hon. Member, if he thought proper to object, should have objected at the time.

MR. CALLAN: Sir, I was present at the time—["Order, order!"] The hon. Member resumed his seat.

MR. HEALY: Of course, Sir, you were not present at the time the words were used, and we are not with you, Sir, in stating that the entry was read out at that time. So far as my recollection, and that of hon. Members around me, goes, no such entry was read out, and we were unable to contest it at the time. It is not a matter greatly worth wrangling about, but it is desirable in the future to have accuracy. My question is, for future guidance, whether we can amend the record? It may be this is a small matter, but these are things that will come up in the future, and it is highly desirable that the records shall be accurate.

MR. LYON PLAYFAIR: Sir, the hon. Member for Wexford (Mr. Healy) is under a complete misapprehension in saying that the words were not read out at the time, because I read out the words and put the Question, "That those words be reported to the House." Therefore, the words were read out at the time, and if exception was desired to be taken to them, it should have been taken then.

Mr. ARTHUR O'CONNOR rose to a point of Order. He desired to be informed whether it was necessary for the Speaker or Chairman formally to take the sense of the House or the Committee on a Motion to take down words; or whether it was sufficient for the Speaker or Chairman to assume or take his impression of the sense of the House?

Mr. SPEAKER: I have already stated to the House that the matter is at the discretion of the Speaker or Chairman, as the case may be.

ORDER OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[Bill 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 6th June.*]

[SIXTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART II.

Offences against this Act.

Clause 4 (Intimidation).

Amendment again proposed,

In page 3, to leave out lines 14 and 15, and insert "by acts or threats of violence, or injury to person or property, uses intimidation, or incites any other person to use intimidation."—(*Mr. Charles Russell.*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Clause."

Mr. DILLON said, he had anxiously listened last night to the debate, in order to hear what the Government had to say in favour of the clause under notice, which he (Mr. Dillon) considered to be the worst in the Bill. The right hon. Gentleman the Chief Secretary for Ireland (Mr. Trevelyan) seemed to believe that there was no necessity to address his arguments to the Irish Benches, and therefore he had turned his back upon them, and addressed his own Supporters. That fact had certainly kindled in his (Mr. Dillon's) breast a slight hope that the right hon. Gentleman's own Supporters were somewhat shaky in regard to the clause. There was an omission from the right hon. Gentleman's speech which any impartial mind must have noticed. The right hon. Gentleman quoted one passage, and one passage only, in support of the charge he made against the Land League combination, and the dreadful system of intimidation which he accused the League of having inaugurated. The passage was one from a speech delivered by a reverend gentleman who had no official connection whatever with the National Land League in Ireland. It was from a speech delivered on the 27th September, five months after he (Mr. Dillon) had been arrested, eight or nine months after Mr. Davitt had been arrested, and after Mr. Brennan and all the Executive of the Land League in Ireland had been locked up in prison. It was certainly not for want of material in the way of speeches made by members of the Land League, for he regretted to say that a great deal of paper had been wasted in reporting those speeches, and in Dublin Castle there existed an enormous number of volumes containing full and ample reports of all the speeches they had ever made. Now, one of the most striking injustices committed by the Chief Secretary for Ireland in the course of his speech was to attribute to the Leaders of the Land League all the outrages that had been committed since they had been shut up in prison. It would only have been frank and fair and honest for the right hon. Gentleman to state—and it was a well-known fact in Ireland—that the leaders were in prison when these outrages were committed. Several striking instances had been given in which "Boycotting" had been abused. Mr. Davitt interfered and put a stop to the abuse on more than one occasion in the sternest possible way. He (Mr. Dillon) himself had more than once been appealed to on behalf of people who had been "Boycotted," and he had always relieved them from all difficulty on that head. He might mention one instance, which was well known to several Members of that House; it was one which occurred on the estate of the hon. Gentleman the Member for the Isle of

Wight (Mr. Evelyn Ashley) a short time previous to the arrest of Mr. Davitt. A school teacher was "Boycotted" upon that estate. An appeal was made to Mr. Davitt, and he had heard it stated, upon the authority of the hon. Member on whose property the occurrence took place, that Mr. Davitt instantly put a stop to the "Boycotting," and no trouble on that head had occurred since. He (Mr. Dillon) himself had been appealed to on several occasions, and as long as he was at liberty in Ireland he had always put a stop to "Boycotting" whenever it seemed to him that injustice was being done. But there was a statement which fell from the Chief Secretary for Ireland in, as it appeared to him (Mr. Dillon), an unguarded moment. The right hon. Gentleman, alluding to a bad case of "Boycotting" which occurred in September, 1881, said that "for the purpose of that 'Boycotting' a well-known ruffian was going round;" but the right hon. Gentleman stopped there, because he felt that he had made a mistake. The fact was that the case occurred five months after he (Mr. Dillon) had been locked up in Kilmainham Gaol, three or four months after Mr. Brennan was put in prison, and nine months after Mr. Davitt was arrested; and yet the right hon. Gentleman asserted that a well-known ruffian was at large in the county of Wicklow, and not only at large, but that he was allowed to go round and carry on this system of "Boycotting." Now, the course pursued at that time, according to the authority of the right hon. Gentleman, was to arrest the men who were openly, in public speeches, with full responsibility to the law for every act they committed, stating the advice as to "Boycotting" which they were prepared to give to the people, and, at the same time, to leave at liberty "well-known ruffians" for whom, the House was assured, the Coercion Act of last year alone was passed. These well-known ruffians were allowed to go round and carry out a system of "Boycotting," not publicly announced in the face of day, but practised in secret, and, therefore, subject to the greatest system of abuse; while the men who encouraged and advised nothing they did not put forward from a public platform were shut up in gaol. He wished to give a challenge to the Chief Secretary for Ireland, and he trusted that the right hon. Gentleman would have an opportunity of answering it. He (Mr. Dillon) had made a great many speches on public platforms in Ireland, and he knew that the right hon. Gentleman had a verbatim copy of every word he had uttered. He challenged the right hon. Gentleman, however, to quote a single passage from any speech he had delivered on an Irish platform which constituted an offence against the English law under the Conspiracy Act. If that were not so, why had he not been put upon his trial? They might say it was because no conviction could have been got against him. But would it not have been a strong argument for the abolition of trial by jury if he had been put upon his trial and the jury had acquitted him in the face of the Government evidence, and in the face of the law as laid down by the Irish Judges? He did not think the Irish Executive would have passed over so favourable an opportunity if it had occurred to them; and he challenged the Chief Secretary for Ireland to quote any of his speeches which could be proved to be an offence against the English law. It was a curious fact that under the Coercion Act, under which he was arrested on the 2nd May, 12 months ago, he was not arrested for intimidation. He had read, while in Kilmainham Gaol, the statement made by the right hon. Gentleman the late Chief Secretary (Mr. W. E. Forster), in the House of Commons, that he had carefully studied every line of the speeches he (Mr. Dillon) had made in Ireland, from the period of the passing of the Coercion Act until the period of his arrest, and the right hon. Gentleman apologized for not having arrested him sooner. He (Mr. Dillon) did not envy the right hon. Gentleman the task he undertook, for it must have occupied a good deal of his time; but he put it to any reasonable man, whether, if the right hon. Gentleman had been able to arrest him on a charge of intimidation—and he had only to sign a warrant to that effect—he would not readily have done so if there had been any ground to justify such a course of action? But with all his (Mr. Forster's) power of private information, and with his (Mr. Dillon's) public speeches before him, reported verbatim for the gratification of the Irish Executive, the right hon. Gentleman did not sign a warrant for his arrest on the charge of intimidation, and he was arrested on a warrant for inciting to a breach of the peace. He did not acknowledge the justice of that charge; but he referred to the fact in order to show that in the mind of the Chief Secretary for Ireland he had not been guilty of intimidation up to that time. He was arrested on the 2nd May. He was not arrested for intimidation, and he was entitled to take it for granted that he was acquitted of intimidation in the eyes of the late Chief Secretary for Ireland. But repeatedly on the platform, previous to the 2nd May, he had openly advocated the practice of "Boycotting." There was no occasion on which he did not advise that recourse should be had to the practice of "Boycotting;" and, if "Boycotting" was illegal, why was he not arrested upon a warrant for intimidation? "Boycotting" was one of the troubles they had to deal with in Ireland; but he was prepared to adhere to that practice, and to prove that he had advised the Irish people consistently, in doing so, to keep within the law. He had used different arguments with that object in view, and one was that it did not pay to break the law. He, therefore, always advised the people to keep within it. He had invariably said—"Tell us what the law is, and I will ask the Irish people to keep within it; but I want to know what is the law?" But the Government had invariably refused to do so. But to return to the charge brought against him and his Friends by the Chief Secretary for Ireland. He had been accused of breaking the law and practising a system of intimidation. To him and his Friends had been attributed all the blame of the "Moonlight" outrages, which the right hon. Gentleman chose to call, as his Predecessor had called them before him, the ultimate end and outcome of "Boycotting." It was just the same as if they were to attribute to any man who happened to play at whist all the evils that arose from card-sharping. It was fully as unjust and unreasonable to attribute to the Leaders of the Land League the "Moonlight" outrages as to attribute to English Trades Unionism the outrages at Sheffield which were notoriously practised in connection with Trades Unionism in England. The Trades Unionism of England repudiated the responsibility, as the Leaders of the Land League repudiated outrages in connection with "Boycotting;" and it was notorious that they had always done so as long as they were allowed to speak in public. So long as they were left at liberty, they invariably repudiated what was now called the "outcome of 'Boycotting.'" He did not propose to say anything as to the desirability or undesirability, or otherwise, of the practice of "Boycotting." All he desired was, once for all, to state to the House—and, if he could do so, to lay before the English people—what "Boycotting," as recommended by the Leaders of the the Land League, really was; because a series of misrepresentations had been made in that House, and also by the London Press, in regard to the system which had been recommended. An attempt was also made to blacken the character of the Land League by these misrepresentations. He had, over and over again, explained to the Irish people what he meant by this system of "Boycotting." He had done so openly, because he never recommended privately what he was not prepared to recommend upon a public platform; and he had often said that he was prepared to stand his trial if he had broken the law. He had not with him the exact words he had used, but he had a clear recollection of having stated, on the 27th February, 1881, at Burriscane—and he quoted the speech because he knew that extracts had been made from it, and largely placarded over Ireland as his definition of "Boycotting"—he had a distinct recollection of what his advice on that occasion was. He told the people that—

> "'Boycotting' consisted in having no dealings with a man who had done certain things,"

and he mentioned three things. He said—

> "Have no dealings with him; shut your doors against him, and have no association with him. Do no injury to him, or to anyone belonging to him, or to his property. If you do, you destroy the system of 'Boycotting,' because you break the law."

He remembered using those very words, and they were afterwards printed on a placard and authoritatively posted in Ireland as his definition and advice to the people on the question of "Boycotting." What he committed himself to was that if anybody did certain things which he was about to mention to the House, if he belonged to the Land League, they should have no further connection or dealing with him. A great deal had been said in that House as to the interference with individual liberty which this horrible system of intimidation, as it was described, had brought about. Now, he (Mr. Dillon) did not believe there was in England a man who valued individual liberty more than he did. No man in England would interfere more unwillingly with any man's liberty than he would, and no one would more strongly resent interference with a man's liberty; but everybody would recognize that when a great public good was sought, and men were binding themselves together to set right a great public evil, every man who entered the combination must surrender a portion of his individual liberty. That was a recognized fact in any combination for any purpose whatever. The conditions he had referred to were well known, and they were explained to every person who entered the Land League. They were—that for three things the practice of "Boycotting" might be resorted to, and that was all the interference the Leaders of the Land League ever made with individual liberty. As he had before stated, when a man's liberty was interfered with, except in regard to these three matters, he had strongly deprecated it. The three things were as follows:—First, "Taking a farm from which a man had been unjustly evicted;" and here he would take the opportunity of replying to the extraordinary attack made upon him by the Prime Minister the other day, because he had accidentally left out the word "unjustly." In Ireland the people were of opinion that nineteen-twentieths of the evictions now going on there were unjust. ["Oh, oh!"] It was a matter of opinion, and the Irish people thought they were. Why were hon. Members there that day talking about an Arrears Bill, and why was Ireland said to be in a state of discontent and disaffection if they were not unjust? If he, in a moment of haste, accidentally omitted the word "unjustly" when nineteen-twentieths of the evictions came under the head of unjust evictions, he thought it was hardly necessary for the Prime Minister to found an argument upon so slight a slip. The second offence for which "Boycotting" was to be resorted to was assisting in any way in an unjust eviction. The third offence was, if any man entered into an engagement with his fellow-tenants on an estate to hold out for certain terms as to the reduction of rent, and then broke that engagement by making terms for himself. These three were the only interferences with individual liberty which the Land League ever sanctioned, and they did not sanction any interference with the individual liberty of a man who did not enter their combination. They only sanctioned it with men who, knowingly and with their eyes open, entered into combination, being fully aware at the time that those three points were the fundamental rules of the Association, and they "Boycotted" any member of the combination who did any of those three things. So long as he (Mr. Dillon) was at the head of the Land League in Ireland, and so long as Mr. Davitt was at the head of it previously, they never sanctioned, but strenuously set their faces against, any further interference with individual liberty. He was prepared to admit that after the Leaders of the Land League were arrested, the system of "Boycotting" had been very grossly abused. It had been used for purposes of private malice in some districts, and for old faction fights and feuds of long standing, which had been smouldering for years. Instances had been brought under his notice in which a certain faction had succeeded, in consequence of an old quarrel some 100 years old, in getting some individual "Boycotted." But it was grossly unjust to charge the Leaders of the Land League with the responsibility of these circumstances, or with any of the consequences which had followed from their imprisonment. He contended that when the Government arrested the men who did nothing in secret, but always avowed openly in public what their advice was, and allowed well-known ruffians to go all over Ireland and carry on "Boycotting" on their own responsibility, they took the responsibility upon themselves. He admitted frankly that the system of "Boycotting," defend it as best they could, was a rough system; but if it had not been adopted, the most fearful evils would have happened, which, by the course taken, the Land League had been able in some measure to stave off. He had heard a good deal of criticism upon this system of "Boycotting," and especially from Irishmen. But there was no popular movement, political or otherwise, in which men could engage; no matter how good their objects might be, where some men were not to be found—some of them sitting in that House—who spent their time in criticizing, finding fault, and throwing dirt against those who, under circumstances of tremendous difficulty, were struggling to save the masses of the people from utter destruction and ruin. These men, he said again—there were some of them in that House—deserved more condemnation than he could well put in Parliamentary language. Still, he was perfectly prepared to allow that the methods resorted to were rough. But they had no other methods to look to. They had tried reason and persuasion first in that House; but these appeals were in vain. They were face to face with a terrible difficulty; they were face to face, in the words of the Prime Minister himself, with what amounted to destruction and sentences of death to thousands and thousands of the Irish people. They had to select between the method of "Boycotting" and peaceful combination, which as reasonable men they adopted, and more dangerous methods for solving the difficulty, and he and others had not been ashamed or afraid to stand upon a platform, and speak out publicly what it was they advised the people to do. They had no choice between that system and the system which took its place when the Government arrested the Land League Leaders. If they had not had recourse to "Boycotting," did the House of Commons suppose that the Irish people would have starved in patience and silence? If they had not had recourse to "Boycotting," "Captain Moonlight" would have taken the field a year earlier. Judging from past Irish history, there was nothing to induce them to believe that anything else would have been the result, and he believed himself—nay, he was convinced—that if the Leaders of the Land League had been left at liberty "Captain Moonlight" would not have appeared upon the scene at all. The self-interest of the Leaders of the Land League would have induced them to strain their authority with the Irish people to keep "Captain Moonlight" and his retainers in the background. He admitted that their measures were rough, and that they might have made mistakes; but their difficulties were tremendous, and it was not always very easy to keep a cool judgment when thousands of their fellow-countrymen were being trampled on and starved to death. The Leaders of the League were put in prison, although they had committed no crime, and the results which followed from their imprisonment were used to blacken their movement and their fair names, and to give a seeming justification for their arrest. But, in spite of all, they had obtained some slight measure of advantage and success, and all the sophistry of English statesmen would not take from the minds of nine-tenths of the Irish people the conviction firmly rooted in them, that, but for the National Land League, there would have been no Irish Land Act, and that, but for the rough methods that were resorted to, and the strong combination they had formed, there would have been to-day none of the hope they now began to see of the transfer back to the people of Ireland of the land which was taken from their fathers.

Sir WILLIAM HARCOURT: I desire to make as clear to the House as I can what is the decision of Her Majesty's Government in reference to the clause under notice. Now I say, and I say it in the most frank manner, that the object of this 4th clause is to put an end to the practice of "Boycotting;" and I propose to judge and criticize every Amendment from that point of view. I do not expect the assent or the support of any hon. Member of this House to this clause, or any part of it, who is not in favour of putting down "Boycotting;" but I do invite, and I confidently expect, the support in favour of the clause generally of every hon. Member who desires to put down that system of intimidation popularly known as "Boycotting." The Government are willing to accept any and every Amendment in the clause which is consistent with putting down "Boycotting." They can and will accept no Amendment in the clause which will make it incompatible with putting down "Boycotting;" and it is by that test I propose to try the Amendment of my hon. and learned Friend the Member for Dundalk (Mr. Charles Russell) and every other Amendment to the clause. Does "Boycotting" exist, and ought it to be put down? It is not necessary to prove that. It has been demonstrated in a calm, frank, and deliberate manner by the hon. Member for Tipperary (Mr. Dillon), who has just sat down. There cannot be a better authority on the subject of "Boycotting" than the hon. Member for Tipperary. He, it is true, draws a nice distinction between one kind of "Boycotting" and another. He speaks of "Boycotting" in one case as being—and I took down his words as he uttered them, because I thought it necessary to be very correct—he speaks of the system of "Boycotting" as advocated by the Leaders of the Land League; and I ask the House to consider by the light of his speech what that system is. He says it is true that the practice has been abused by other people who acted in a manner which was not authorized by the Leaders of the Land League. But this clause is not only meant to deal with the authorized agents of "Boycotting," as I understand the hon. Member, but it is also meant to deal with the unauthorized agents who carry on a system of "Boycotting" which the hon. Member does not approve. The hon. Member says that, when he was at large, he relieved a number of persons suffering from what he considered unjust and unauthorized "Boycotting," which shows that the hon. Member for Tipperary had complete plenary powers of absolution in the matter of "Boycotting." If a man were under the sentence of "Boycotting," the hon. Member and his Colleagues, if they thought fit, could give him plenary absolution, and relieve him of the penalty when he thought that injustice would be done. Those were the words of the hon. Member—"when injustice would be done." Now, I frankly state that the view of the Government is that a man is to be relieved from "Boycotting" and from the plenary authority of the hon. Member for Tipperary and his Colleagues; not when they think injustice will be done, but that he is to be relieved from it by the law of the land. That is the difference between our view and that of the hon. Member for Tipperary. He gave us a very interesting description of the system of "Boycotting" patronized by the Land League; and, although he was not very definite in the matter, I gathered from the tone of his speech that he approves of that system now. [Mr. HEALY: Hear, hear!] I am glad to hear that cheer from the hon. Member for Wexford (Mr. Healy); but I trust that even among hon. Members sitting on that Bench the hon. Member for Tipperary and the hon. Member for Wexford stand alone in that determination. [Mr. BIGGAR: No, no!] I will tell them my reason for saying that I wish to speak frankly. I certainly understood the hon. Member for the City of Cork (Mr. Parnell) to speak of "Boycotting" as a thing of the past. He spoke of it in an apologetic tone, which I regretted; but, at all events, there was this advantage in what he said—that he spoke of it as a thing which might have been justified by a condition of things which once existed, but which was no longer justifiable in the present condition of things. To use a French expression, I took "act" of that declaration to the House of Commons. I thought it a hopeful and important statement. I think it important to know whether that statement of the hon. Member for the City of Cork, or the statement of the hon. Member for Tipperary to-day, accurately represents the views of those whom the hon. Member for Tipperary calls the Leaders of the Land League. In the latter view, I will take the statement of the hon. Member for Tipperary—of what he understands by "Boycotting." I do not wish to go back to any of the speeches in the past to which he has referred, or to repeat phrases like "making a man a moral leper," and so forth. I wish to keep the discussion as free as possible from phrases of that kind——

MR. DILLON: Does the right hon. Gentleman mean to say that I used those words? If so, I must remind him that I never did so.

SIR WILLIAM HARCOURT: No; I do not wish to suggest even that that phrase was ever used by the hon. Member for Tipperary; but it is a phrase that was used. What I say is that I desire to keep this discussion free from anything in the nature of recrimination as far as possible, and to take things as they are at this moment. In the presence of the hon. Member for Tipperary, I give what seems to me, from his speech, to be a fair construction of his views upon the matter. In speaking of "Boycotting," the hon. Member seemed to recognize two systems—one which he regards as a moderate and justifiable system, according to the views of himself and the Leaders of the Land League, and another kind of "Boycotting" which he calls an abuse of the practice which irregular practitioners of that system have carried it out. Now, I will take the hon. Member's view of what he calls "moderate 'Boycotting,'" as patronized by the Leaders of the Land League. The hon. Member says the people have liberty to combine. Of course, they have liberty to combine; nobody denies that. ["Oh, oh!"] I do not deny it, at all events, and I hope hon. Members will allow me to go on. I am trying to argue the matter fairly. I admit the liberty of people to combine; but what I deny is the right of the people who combine to affect others who are not parties to the combination.

MR. DILLON: I have distinctly said, over and over again in public, that no "Boycotting" was to be permitted against any person, except those who entered into our combination.

SIR WILLIAM HARCOURT: Let us see whether that is really the case. I think the hon. Member cannot sustain that view of what he has stated. But allow me to proceed. The hon. Member says "Boycotting," according to his view, was to instruct persons—that is, the persons belonging to the Land League combination—to have no dealings with certain classes of people. I will come to who those people were presently. He says—these are his words—"Have no dealings with him; shut your doors against him; but do no injury to him." Now, it does not seem to me that you can carry out this system without doing a man an injury. Take the case of the village blacksmith mentioned the other day. Suppose you say to the blacksmith that every man in the village shall shut their doors against him, and have no dealings with him; does that do him no injury? It seems to me that the hon. Member for Tipperary was omitting an important qualification. What I understood him to mean was, that they were to do no injury by violence. That may be; but you may injure a man so as to destroy his very existence, without using actual violence against him. If you advise every man in the village to close his doors against another man, and have no dealings with him, he cannot subsist. Let us see what the hon. Member for Tipperary recommends as moderate "Boycotting." You are to have no dealings with, and you are to shut your door against, whom? Against three classes of people. First of all, the man who takes a farm which, in his opinion, an unjust eviction has been made; so that it may be used against a man who is a member of the Land League, or any other man. I understand the hon. Member for Tipperary to say that it can be used against any man? [Mr. DILLON: Any man.] Then, is it not directed against a man who is not a member of the combination? What the hon. Member means is that "Boycotting" is to act against any man, whether in the combination or not, who takes a farm from which a tenant has been unjustly evicted. Therefore, I say that this is a combination intended to act against people outside the combination in the most distinct manner, and when the hon. Member says—"If you choose to take a farm from which a man has been unjustly evicted, you shall be 'Boycotted,'" is not that trenching upon the liberty of the subject; and may it not be used equally against a man outside the combination as against a man within it? The word "unjustly," which was omitted in the original declaration, was a very important omission. The adjective "unjust," in regard to evictions, was a very important adjective indeed, especially when it was coupled with the "no rent" manifesto. When the "no rent" manifesto was sent out, and everybody was told not to pay rent, how were you to distinguish between unjust and just evictions? If you order a man to pay no rent at all, what becomes of the distinction between unjust and just evictions? I give this, however, only by way of parenthesis. First of all, every man, whether he be in the combination or not, if he takes a farm from which a man whom the Land League in its discretion regards as having been unjustly evicted, is to be subjected to this social ostracism. That is not all. Every man who aids in any act of this kind is also to be subjected to the same proscription. That is the second head of the classes intended to be dealt with by the hon. Member for Tipperary; and what does it mean? It means that every officer of the law who does his duty is to be proscribed and "Boycotted;" every bailiff who serves a writ; every policeman who takes part in the execution of the law—nay, even the driver of the car which carries the bailiff, or policeman; every man, in fact, who, in the remotest degree, contributes to do that act which is the subject of what is called the "moderate 'Boycotting'" patronized by the Leaders of the Land League, is to be proscribed. That is the second case. Then the hon. Member says the third case is to include a man whom I understand to be in the combination, though I do not know that it is entirely necessary that he should be in the combination; but if he has once agreed to demand a certain reduction of rent, and then, under motives of prudence or any other motive, such as a sense of justice, or from any other reason whatever, he consents to moderate his terms, he is to be "Boycotted".—that is to say, that a man, whether in the Land League or out of it, who demands from his landlord a reduction of 50 per cent in his rent, and then, upon a conference with his landlord, or for other reasons, which may seem good to himself, he consents to take a reduction of 30 per cent, according to the hon. Member for Tipperary, he is to be "Boycotted."

MR. DILLON: I said that where a man had entered into an engagement with his fellow-tenants to demand a certain reduction of rent, and then had broken that engagement by making terms privately for himself, he was to be "Boycotted."

SIR WILLIAM HARCOURT: That seems to me to be very much like what I said; but I will put it in the hon. Member's own words. A man has entered into an engagement with the tenants of a particular estate to go together and say—"We will demand of the landlord a reduction of 50 per cent." They go together, and one of them, from considerations of justice, or from considerations of prudence, it may be in regard to his own family, under pressure of the wants of his wife and family, thinks, on the whole, it would be better to make terms with the landlord, and to take a reduction of 30 per cent. That man is to be made a "moral leper," and no man is to deal with him, but is to shut his doors against him. Now, that is "Boycotting," not taken from loose phrases, not taken in the heat of a platform speech, or in the excitement of a stirring period when the hon. Member says it was necessary to use strong language; but taken from language used deliberately on the floor of the House of Commons, in the presence of the hon. Members I am now addressing, in the very carefully-considered speech made by the hon. Member for Tipperary, who comes down here to explain to the House what "Boycotting" means, what are its objects, and what are the methods by which it is to be carried out. After that explanation I ask the House if they mean to assist the Government in putting down this system; and, if they do, to accept this clause, the object of which is to put it down. I will ask the hon. Member for Tipperary if it is possible to conceive—what I do not regard as possible—that any reasonable man could allow such a system, even as moderate as that regulated and recognized system patronized by the Leaders of the Land League, to exist? Suppose you did, what are you to do with those ruffians of whom the hon. Member speaks, who carry on "Boycotting" without the *exequatur* of the Land League? At all events, even on his own admission, it is necessary to deal with them. There are those two classes, and, for my own part, I can make very little distinction between the one and the other. The hon. and learned Gentleman the Member for Dundalk (Mr. Charles Russell) says that this is the creation of a new offence. Well, of course it is; if it were not, why should we have this Act, and why should we have this clause? We have introduced this Bill because, in our opinion, it is necessary to deal with the new state of things. That is a truism. We do not bring in an Act of Parliament to create offences which already exist. Well, is that an exceptional way of treating Ireland? ["Oh, oh!"] I hope that hon. Member will understand my remarks. Have we not dealt with England in exactly the same way? What took place in the year 1871? There had arisen in some districts in England a system of terrorism which, in some respects, resembled that which we have now to deal with in Ireland. There were a certain number of things done which the law did not punish, and which were practised, consequently, with impunity. What did Parliament do? It set to work to pass a Bill to meet the state of things which then existed, and the result was the Act of 1871. [MR. T. P. O'CONNOR: Was that the right hon. and learned Gentleman's own Bill?] No; I never passed a Bill upon the subject. Well, what did that Bill deal with? It was an Act to amend the criminal law relating to violence, threats, and molestations, and injury to person and property. My hon. and learned Friend the Member for Dundalk (Mr. Charles Russell) wishes to confine this clause to acts of violence. [Mr. Biggar: Hear, hear!] No doubt the hon. Member for Cavan (Mr. Biggar) will cheer that statement, because he knows perfectly well that if the Bill were limited to acts of violence it would not touch "Boycotting." That is one of my objections to the Amendment; and the objection is a vital one. If the words proposed by the hon. and learned Member for Dundalk are accepted, you do not touch "Boycotting" at all. What is the very essence of "Boycotting?" The hon. Member for Tipperary (Mr. Dillon) said—"Do a man no injury, but shut your door against him and have no dealings with him." Therefore, carry the Amendment of the hon. and learned Member for Dundalk, and you give a letter of licence to "Boycotting." Well, that was not the way in which Parliament dealt with the evil in England. [Mr. Healy: You repealed the Act.] Parliament at once proceeded to make new offences, and they passed a distinct clause with reference to threatening and intimidation. They then created a whole class of offences with reference to molestation and obstruction. [Mr. Healy: I ask again, did you repeal the Act?] The hon. Member for Wexford is impatient. If the Act was not exactly repealed, it was re-cast and modified. I am not now discussing the special clauses of that Act; but I am showing the Committee how the Parliament of the United Kingdom dealt with the evil in England. My general argument is this—When you have got a new evil you must have new remedies, and you must create new offences. I say we are not dealing with Ireland in an exceptional way. We dealt with England on the same footing by the Act of 1871. I will come to the Act of 1875 presently. I will show you that it is the policy, and the necessary policy, of Parliament, where a grievance is great, admitted, and widespread, not to shrink from enacting remedies capable of coping with the grievance. In that sense we were reminded by the hon. Member for the City of Cork (Mr. Parnell) last night that the condition of Ireland is such that no general law would apply to it without modification. That is the very reason why we claim that this clause should be tried, not upon the same principle as that which has been adopted in England, but upon a principle altered so as to deal with the distinct evils which exist at the present moment in Ireland. That is the claim we put forward for the trial of this clause. The Act of 1871, and some subsequent Acts, were modified by the Act of 1875. But I stand upon the Act of 1875, and I say that the Amendment of my hon. and learned Friend the Member for Dundalk is totally inconsistent with the Act of 1875. It is an absolute limitation of the Act of 1875. Now, what does the Act of 1875 say? It says that—

> "Every person who, with a view to compel any other person to abstain from doing, or to do, any act that such person has a legal right to do, or abstain from doing, wrongfully or without legal authority uses violence or intimidation."

It is not "intimidates by violence," but "uses violence or intimidation," which shows that something was meant to be defined different from violence, and not included in violence at all. In my opinion, the Act of 1875 did quite enough, if it stopped at those words, without going on to specify any offences, but leaving the tribunal, from its own judgment, to form an opinion as to what constituted intimidation. Now, intimidation, as we have seen by experience, is a matter of so peculiar a character that it varies in every place and with every hour; and, in my opinion, all attempts to define intimidation will rather obscure than enlighten the subject. [*Cries of* "Hear, hear!" *from the Irish Members.*] I do not know if hon. Members opposite agree with me; I should like very much to know their views. Would they like to have the question of intimidation left at large to the tribunal? [An hon. Member: No; leave it to a jury.] I did not expect that they would. The hon. Member for Tipperary (Mr. Dillon) has made a demand to-day, which, I am afraid, is the only part of his speech I can give a cordial assent to. He says—"You will not tell us what the law is we have to obey." Well, the object of this clause is to tell you. The fact is that intimidation is so Protean in its shape that it is impossible to define it. It is because there has been an obscurity on the subject; because people could pretend they did not know these things were illegal, that it is necessary for Parliament to speak in distinct terms, and to tell them what is the law, and what are the things which they are not to do, and that is what this 4th clause says; and the object of that clause is to teach the people of Ireland what intimidation is, so that the people of Ireland may understand in future what is legal and what is illegal. The hon. Member says he wishes to keep within the law, and he wishes other people to keep within it also. I am glad to hear that declaration; and when this clause passes into law, he will be able to tell the people what they can do, and what they cannot do. The hon. Member says—"These things were not illegal before." That is quite true. I think, if you will allow me to say so, that people who speak by the card, and run so near illegalities, will not be surprised if many of those who act under their advice overstep the limit they themselves lay down, and those persons are not in any way astonished that there are so many of these unauthorized agents who better their instructions, and go beyond the narrow limits to which the hon. Member for Tipperary would wish to confine them. The line laid down by the hon. Member has been very indistinct; but, if this clause passes, there will be no danger of a misunderstanding in the future. Hon. Members for Ireland and the people will know what are the things which Parliament has determined shall not be practised. The Act of 1875 declared illegal the using of violence or intimidation against any person, his wife, or children, or injury to his property, not by violence, but by intimidation, and to induce him to do things which he would otherwise not have done. Then it proceeds to make, not in combination, but singly, various acts, which were not illegal before, illegal, and every person who resorts to them is punishable. And why? Because it was found these acts were done for bad purposes and with an evil effect. Several matters which were not an offence before the passing of the Act became criminal offences after it did pass. To follow a person and interfere with him in his employment was not an offence, either in the case of a number of people or of an individual; but after this Act passed it became an offence. Why do I call attention to these things? To show that the Parliament of England, when it found a wide-spread grievance and wrong done to the liberty of an individual in this manner, deliberately applied itself to provide a remedy. Now, the Act applies to Ireland as well as to England. Why, then, do we want a new enactment in respect to Ireland? I will answer that question very frankly. Because the system of "Boycotting" is a different system to that which was adopted in the outrages connected with the Trades Unions; and, therefore, the system, being different, the remedy must be different. And then my hon. and learned Friend the Member for Dundalk comes here, and proposes an Amendment which will absolutely cut down and limit the regulations of the Act of 1875; because he proposes to introduce in a Bill, which has regard to the condition of Ireland, a definition of intimidation, which, if applied to Trade Union purposes in the Act of 1875, would have been totally useless. How does this clause generally differ from the clause in the Act of 1875? It differs in two material particulars, and, I think, in only two material particulars. First of all, it includes incitement to intimidation, as well as intimidation itself. I think everyone will admit that people who incite to intimidation ought to be punished. As to intimidation itself, I think there will be very little difference on that point. Then it introduces another thing which was not in the Act of 1875. It includes past acts as well as intimidation with reference to future acts. Why is that necessary? It is necessary from the very essence of "Boycotting" itself, because a man is "Boycotted," not in reference to what he is going to do, but in consequence of what he has done. Therefore, the clause must necessarily be different from the clause in the Act of 1875. It comes entirely under a new principle, because it applies only to the present exceptional condition of Ireland. I take my stand on that. I say we are dealing with the Irish evil exactly as we dealt in point of principle with the English evil. We discovered exactly the methods in which oppression is used; we discovered what methods of molestation were made the means of oppression in the case of Trades Unions; and in this case we have inquired what the methods of oppression are which are used in Ireland for "Boycotting," and we propose what we consider to be a remedy. If the Committee is of opinion that our remedy is not a perfect one for the evil, and will suggest modifications in that remedy, we will accept them, after fair discussion, if they will really grapple with the evil; but we cannot, and do not, accept modifications which have for their object to leave the evil untouched. I do not pretend that it is not a difficult subject to deal with. It is a difficult subject, as the Trades Unions formed a difficult subject. It has taken many years to shape our legislation; therefore, we have no attachment at all to any particular method we may have adopted for dealing with this evil. But you must keep the evil in view, and see that your clause grapples with it; and you must entertain and accept no Amendment which, in point of fact, gives an immunity to that evil. My objection—and I must apologize to the Committee for having detained them so long—my objection to the Amendment of my hon. and learned Friend the Member for Dundalk is that it excludes "Boycotting" altogether from the Bill. It provides only for acts or threats of violence or injury, in which intimidation is used. Now, it is the very essence of "Boycotting" that it does not use violence in intimidation. The object of the Government in this clause is to put down intimidation of every description, whether by threats of violence or injury to property; but not exclusively in that way, although, I am bound to say, mainly in that way. If that were the only object, the Act of 1875 might prove sufficient; but it is because there is a system of oppression, equally as potent as any injury by violence to person or property, that we have introduced this Bill. The object of the clause is to grapple with that evil; and, as I said before, the Government will accept any Amendment which grapples with the evil, but none that leaves it untouched.

Mr. DILLON wished to say one word by way of explanation. He desired to withdraw the statement that "Boycotting" was not intended to deal with any person who was not inside the Land League combination. The right hon. and learned Gentleman the Secretary of State for the Home Department had properly corrected him upon that point. At the same time, he contended that that was the policy of the Trades Unions of England, the members of which refused to work with anyone outside the Union.

Mr. JOSEPH COWEN said, he was sure the House had listened with satisfaction to the able and temperate statement of the right hon. and learned Gentleman the Secretary of State for the Home Department. No one could object to the spirit of what he said, and the difference between them appeared now to be reduced to one of phraseology. They were agreed, or at least nearly agreed, in principle. No one could deny —no one attempted to deny—that great oppression, injustice, and cruelty had been inflicted on many unoffending and deserving persons by the reckless exercise of the practice of "Boycotting." If the clause under consideration only prevented such practices, and punished those who resorted to them, there would be no objection to it and little criticism about it. But it did more than that. Its wording was very vague and extremely elastic. It might be made an instrument of great oppression, and the Committee ought to take care that, while putting down one form of injustice, they did not create another equally as offensive and far more powerful. If the wording of the clause could be altered in such a way as simply to reach acts that had been committed as a direct consequence of speeches made, he would not object to it; but he certainly did object, and that most strenuously, to any attempt to punish a man for the expression of his disapproval with the course of action of another man. There was one observation of the right hon. and learned Gentleman that he dissented from. The right hon. and learned Gentleman had said that this was a new practice. He (Mr. Cowen) thought such a statement was very far from the fact. "Boycotting," or the spirit that prompted what was called "Boycotting," was as old as creation. It existed in all times, in all countries, and among all manner of men. And it would continue to exist as long as the human race continued to be moved by the common passions of mankind. It would not cease until we had got the Millennium. New practice, indeed! Did not the Jews refuse to have intercourse with the Samaritans? Did not the Greeks "Boycott" the barbarians? Did not the Romans set up exclusive dealing? There was no man familiar with the history of agrarian struggles in other times and other lands who did not know that the identical class of offences that were committed in Ireland, and which this Bill was devised to reach, had been committed in other countries during like conflicts. The Norman peasants established an association closely resembling that of the Land League. They decreed that they would not deal with or have any intercourse with those who refused to join their combination—a combination which sought the abolition of rents, taxes, tolls, as well as liberty to fish, hunt, and labour in wood, meadow, and water. The peasant who refused to associate himself with them in their effort had a mark set upon his lintel, or a post driven before his door, to indicate that he was a man to be shunned. Did not the English Legislature at one time "Boycott" Irish cattle? Did they not at another time "Boycott" Irish woollens? Dean Swift advised his countrymen to retaliate by burning everything that came from England except coals. And even at that moment, and in other walks of life, were they not constantly witnessing instances of "Boycotting?" What was the Liberal Caucus but a species of "Boycotting?" If anybody wished to experience political "Boycotting," let him think for himself—let him look at public questions with his own eyes, and not through the spectacles of Party Leaders. And if, when he had done that, he had the misfortune to differ from these said Leaders and the temerity to express his difference, he would very soon learn—if he had had any doubt before—that "Boycotting" existed in Parliament and amongst politicians, as well as in Ireland and amongst the peasantry. The statement of the Secretary of State for the Home Department, therefore, that this was a new practice, was contrary to all experience, and conflicted with history. While he (Mr. Cowen) condemned, as severely as anyone could do, the practice of injuring any man for difference of opinion—either political or social—he was averse to making the law so stringent as to intimidate or prevent the legitimate expression of the said difference. And the Bill proposed to do that. A man was to be punished, if what he said injured another man. The strength of the clause centred round the word "injury." What was injury, and how were they to define it? He knew of a case where a "blackleg" in the North of England brought an accusation against the members of the Trades Union, that he had been injured. His charge was that, in consequence of the fear which the Trades Union agitation had created in his mind, he was unable to sleep, and, in consequence of being unable to sleep, he could not do his day's work, and, therefore, he brought forward an allegation of material injury at the instance of the Trades Union agitation. [*Laughter.*] Of course, that was a very extreme case; but, as the Bill stood now, it would be equally liable to that strict interpretation. All he had to say with respect to the clause under consideration was this—that if the Government dealt with the present organization in Ireland in the same spirit and on the same lines as they dealt with the Trades Union organization in England, there would be no reason to complain; and, so far as he was concerned, he would not have been induced to give any opposition to the Bill, or to support any Amendment in it. But there was necessarily a difference between a landlord and an artizan, and it was desirable to take into consideration different rules and regulations, and to draft the Bill in different words. But a Bill of this kind, dealing with Ireland, should have been brought in in the same spirit and in the same way as they had already dealt with the Trades Union organization in England. If that had been done, he believed the opposition to the most important sections of the Bill would have very materially evaporated. It was because the Bill did not deal with the matter in that sense, but much more harshly, that this opposition had been raised. The clause itself was a much more stringent one than that which applied to intimidation and picketting; and, not only was that the case, but the tribunal before which the offenders would be brought was altogether different from any tribunal which existed in England. If a workman in England broke the Trades Union rules, and he was intimidated by a fellow-labourer or a fellow-workman, the offender was taken before a bench of justices, where there was a reasonable chance of the case being heard and judged on its merits. But if a man offended against this Bill, he would, in many instances, go before a bench of magistrates who would be prejudiced against him. It was, therefore, necessary, in any Act dealing with such a form of social ostracism, to guard its provisions so as to prevent them from being used as means of oppression. He was not wedded to the words of his hon. and learned Friend the Member for Dundalk (Mr. C. Russell). There were other Amendments on the Paper which were intended to accomplish the same object, several of which were better than the present proposal made by the hon. and learned Member. But what he (Mr. Cowen) wished for was to have the thing clearly defined. The offence, however, was one which they were all anxious to destroy, because the greatest advocates of despotism were the men who attempted to override the law; and when the law was overridden, tyranny stepped in. All of them were anxious to destroy this practice; but, at the same time, they wished to prevent another offence of equal magnitude from springing up.

Mr. GLADSTONE: I hope that I shall be allowed to remind the hon. Member who has just sat down (Mr. Cowen) that there are two rules absolutely necessary for real progress in discussing the clauses of a Bill in Committee. The first is that we should not insist upon discussing all the clauses upon each clause. If the hon. Member introduces here the objections which he entertains to the tribunal before which the offence in question is to be tried, it cannot conduce to the progress of the discussion. That is a portion of the Bill which ought to be considered in dealing with the clause relating to the tribunal. In the same way, the speech which the hon. Gentleman has just delivered is a speech directed against the entire clause, and not a speech strictly relevant to the Amendment before us. My right hon. and learned Friend the Secretary of State for the Home Department, in the able and, I think I may say, the conclusive speech he has delivered in defence of this clause, never bound himself to adhere to every word of the clause as it stands, but he left it fairly open to argument; and while, in the clearest manner, defending the purpose and meaning of the clause, he showed that the Amendment now before the Committee was inconvenient for that purpose and meaning of the clause. Does the hon. Member for Newcastle think that the Amendment is necessary for the purpose of the clause? Is it consistent upon his own showing? The hon. Member says that the spirit and feeling which finds development in "Boycotting" are not limited to Ireland or the Land League. In that I entirely concur. The evil spirit which there is in "Boycotting" dwells more or less in the breasts of most men; that is to say, the disposition they have—I hope some not at all, but many little, and most men a good deal—in every country to use their own liberty, and the legal rights and powers with which they are invested, in a manner to limit unjustly the liberty and powers of their fellow-men. The question is, what is the amount of the evil? In Ireland it is a great and serious evil, limiting most unduly the liberty of action of men, attaining the object at which it is directed, and seriously endangering the peace and order of the country. It is not because "Boycotting," or the spirit of "Boycotting," is peculiar to one age or one country that this clause is introduced, and in substance must be insisted on by the Government, but because this system has become in Ireland a monstrous public evil, threatening liberty, and interfering with law and order. If it exists to this extent there, it is vain to point out that the spirit of intolerance, and the disposition to interfere unjustly with the liberty of action of one's neighbours, is to be found elsewhere, as in Ireland. The hon. Member did not attempt to meet the argument by which my right hon. and learned Friend showed so demonstratively—that, inasmuch as violence alone would be touched under the name of intimidation, if the Amendment was adopted "Boycotting," which, we think, unfortunately leads to violence, and has violence as its certain consequence, but which, at the same time, in itself does not include or depend upon violence, would not be touched. I would press upon the Committee that there was, in my opinion, an admission made in the speech of my right hon. and learned Friend which was more generous than could justly be claimed by the hon. Member for Tipperary (Mr. Dillon). My right hon. and learned Friend admitted, as a possible construction of the speech of the hon. Member for Tipperary, that in the third of his classes of cases, perhaps he meant only to say that Members of the Land League who had entered into the combination were to be subject to the action of the principle he had in view. The case he put was the case of an engagement among tenants to demand a certain reduction of rent from their landlord; and, if some one of those tenants altered his mind, he would become liable to be "Boycotted." That is what the hon. Member for Tipperary defends. What is meant by "an engagement?" I take it that what is meant is simply this—that the tenants, actuated by a common feeling, have, in a loose and general way, agreed to a certain co-operation. They have said—"Let us make common cause and ask for a common reduction." I say it is a monstrous abuse of terms to treat that as an engagement absolutely binding on every one of these men to adhere precisely and throughout to what was originally intended. It is undoubtedly a co-operation; but to make it an engagement, and give it the character of a formal instrument, with regard to which no one could alter his mind without getting the consent of the rest—that even the vast majority of them cannot alter their minds without the consent of the rest—is an abuse of terms.

MR. DILLON: The Prime Minister is mistaken. It is a well-known practice in Ireland, when these engagements are made, that they cannot be departed from without the consent of the majority.

MR. GLADSTONE: We have now at last heard the unwritten law, about which so much has been said. Here is an oral tradition set up by the hon. Member, which is to be brought into action and carried to the point, not only of interference with liberty, but of ruin to goods and property, and which it is highly probable that he who objects to it has never heard. My right hon. and learned Friend said it was possible the hon. Member for Tipperary meant that no one was to be "Boycotted" under his third head, unless he was a member of the Land League. Suppose there are 100 tenants who have agreed to demand a certain reduction, and that 50 are members of the Land League and 50 are not. I understand that, according to the doctrine of the hon. Member, the 50 who are members of the Land League would be liable to be "Boycotted" if they altered their minds as to the terms they would accept. What I want to know is, if the 50 who were not members of the Land League altered their minds as to the terms they would accept, they would be liable to be "Boycotted" or not?

MR. DILLON: The case has never in my experience arisen. No man entered into these combinations who was not a member of the Land League.

MR. GLADSTONE: I did not ask the hon. Gentleman if he was aware of any case. What I asked him for was an interpretation of his law. He has laid down the law, and I think it is fair to ask him to interpret the law. He asks my right hon. and learned Friend to let him know the meaning of the law; but its interpretation will not rest upon the authority of my right hon. and learned Friend, but upon the authority of the House. In this instance, on the contrary, it rests solely on the authority of the hon. Member; and I ask him the meaning of the law. If 100 tenants concurred in making a certain reduction, 50 being members of the Land League and 50 not being members, and the 50 who are not members of the Land League determine that it is their interest to ask lower terms, I ask, would they be liable to be "Boycotted" under the hon. Member's law or not? It is not easy to get an answer to that question.

MR. DILLON: I am bound to say this is a knotty question which never arose in my experience; and, therefore, I am not prepared to answer it.

MR. GLADSTONE: The hon. Member is greatly pleased by his own ingenuity in evading a point which is as plain as the sun at noon-day, but which it is not convenient to answer. It is perfectly plain that all persons entering into this supposed agreement—which is a concurrence *ad hoc* for a common object with respect to which the people must retain the right to change their mind according to fresh evidence brought before them—would, though not members of the Land League, be liable to be "Boycotted" under the law of the hon. Gentleman. Then, with regard to evictions, it was said that any persons assisting in an unjust eviction is to be liable to be "Boycotted." A complaint was introduced of myself in regard to this matter. I referred to the hon. Member's speech, and he coolly finds fault with me for not having interpolated the word "unjust" before "evictions." Is there, in the view of the hon. Member, such a thing as a just eviction? What eviction is just? If a tenant refuses to pay his rent, and is then evicted, is that, in the view of the hon. Gentleman, an unjust eviction? Of course it is. In point of fact, it is not the use of the phrase with the word "unjust" which misrepresents the meaning of the hon. Gentleman. It is the interpretation of the word "unjust," which is little more than a mere fetich, and which is only used in order in some way to disguise and render tolerable in the face of the nation the doctrine of the hon. Gentleman. The man is to be "Boycotted" who has taken part in an unjust eviction, we will say. Let us see how far that reaches. Of course the Constabulary Force, who are the instruments of eviction, are to be "Boycotted." But the Constabulary have to find their way to the place, and they must find their way on a car, and that car must be hired out to them, probably by some innkeeper. Well, the innkeeper in that way substantially, though indirectly, became a party to the evictions; and I apprehend that I do not misrepresent the hon. Member when I say that, according to the law which he has laid down, the innkeeper who supplies the car is to be "Boycotted," because he supplied the car to the police which carried the police to the place where the eviction was to be effected. But it may go farther yet, because the innkeeper himself must have wants. He must have a butcher and a baker, and the butcher and baker must not supply the innkeeper who supplies the car which carries the police to the place where the eviction is to be made. And so, in point of fact, this is a case of the house that Jack built in the passing from point to point, and from person to person, through the whole population under the influence of this doctrine. However, the main purpose for which I rose was to refer to a declaration which was given, no doubt, with perfect sincerity, by my hon. Friend the Member for Newcastle. He closed his speech by stating—"If you will consent to deal with the subject of intimidation and "Boycotting" in Ireland in the same spirit in which you dealt with the subject in England in the case of Trades' Unions, you will find no objection made on principle to your proceeding." As to interpretation of principles and general declarations, neither can be bound, nor can we; but as to the principle which he lays down, in the presence of my right hon. Friend who has had so much to do with the framing and conduct of this Bill (Mr. W. E. Forster), and of my right hon. and learned Friend the Secretary of State for the Home Department, I do not hesitate to say that that is precisely the object which we aim at. We desire to deal in exactly the same spirit with the question of "Boycotting" in Ireland as Parliament has dealt with the question of Trades' Unions in England, the difference being, as has been generally recognized by the hon. Member for the City of Cork (Mr. Parnell), that when you proceed to deal with any form of interference with the just liberty of action of Her Majesty's subjects, you must take into view the particular circumstances of the case, and you must adapt your particular provisions to those circumstances. It is precisely in that spirit that my right hon. and learned Friend has declared that we desire to proceed, and by that rule we intend and desire to be bound throughout the whole of the proceedings upon this clause.

Mr. HEALY asked, why, if, as the Prime Minister had said, the Government intended to act in the spirit of the Trades' Union Act, six months' imprisonment was inserted in this Irish Bill, without the option of a fine, while only three months could be imposed under the English Act, with the option of a fine? The Prime Minister found fault with the hon. Member for Tipperary (Mr. Dillon), because he had not instantly sprung to his feet to answer the question he put. Why did not the Prime Minister himself now get up and say whether, that inconsistency having been pointed out, he would remedy it?

Mr. GLADSTONE said, that question was a distinct and separate matter, and would come under consideration by-and-bye, when there would be an opportunity of speaking upon it. It was not, at the present moment, a point at issue.

Mr. HEALY was glad to know there would be an opportunity by-and-bye of dealing with the point; but what did that denote—that the Government, when they framed this Bill, had a very different notion from their present notion? How did the English Act begin? It began with a provision which was not to be found in the Irish Bill, and he himself had put down an Amendment which he had copied from that Act, but changing the words "employers and workmen" to "landlords and tenants." The English Act said that—

> "An agreement, or combination of two or more persons to do, or procure to be done, any act in contemplation or furtherance of a trade dispute between employers, and shall not be indictable as a conspiracy, if such act committed by one person would not be punishable as a crime."

SIR WILLIAM HARCOURT said, the hon. Member for Wexford (Mr. Healy) would find in those words no application to an individual act, apart from combination.

MR. HEALY said, they were now dealing with the spirit of the Bill, and he having met the declaration of the Prime Minister, and the Secretary of State for the Home Department, and pointed out the difference in spirit which existed, would the right hon. and learned Gentleman agree to accept the words of his Amendment? The point in question plainly showed the spirit in which the Government proposed to legislate, and of this he would give another instance from the English Act. In Clause 7 of that Act would be found these words—

> "Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section."

Was there anything in the Irish Bill equivalent to that? He had put down an Amendment in the sense of that Proviso to this effect—

> "Provided, that no refusal by any person to deal with another in the way of the trade, business, or employment of either, and no declaration of intention not to so deal, and no resort to the practice of what is commonly known as exclusive dealing shall of itself be deemed to be intimidation."

Would the right hon. and learned Gentleman accept that Amendment? He would not, although the Prime Minister had declared that exclusive dealing was no crime. Therefore, he (Mr. Healy) thought he had disposed of the pretence of the Government that they wished to deal, or would deal with the Irish Bill or people in the same way as they had dealt with the English Act. These were the specious promises which the Government made, and which could be shown to be futile and disingenuous. He would put a case to the right hon. and learned Gentleman, who said he wished to put down intimidation. If a man wished to buy bread from a baker, or sugar from a grocer, and the baker or grocer refused to serve him, would that be intimidation under the Bill? Why did not the Government get up and answer? A man might go into a shop and say, "I demand to be supplied with groceries;" and if the grocer refused to serve him, would the Government make that an act of intimidation? Why did the right hon. and learned Gentleman not answer?

SIR WILLIAM HARCOURT said, if it would shorten the debate, he would answer the question. It depended on the surrounding circumstances whether the refusal amounted to intimidation or not.

MR. HEALY: Who is to be the judge of it?

SIR WILLIAM HARCOURT: The tribunal appointed by Parliament. I may also add, to make matters clear, that we are disposed to give an appeal in such cases, as in all cases of summary jurisdiction, to Quarter Sessions.

MR. HEALY said, in that case, the right hon. and learned Gentleman's view differed from that of the Prime Minister. Last year the Prime Minister laid down the principle that exclusive dealing could not be dealt with as a crime; but the right hon. and learned Gentleman now said that if one man refused to supply another with goods, that refusal might, under certain circumstances, be a crime. He wondered whether the right hon. and learned Gentleman would apply that principle to England and Scotland? If once this system was commenced there would be no end to it. Suppose the tradesman were willing to sell to a particular customer, but only at a prohibitive price. What if he charged £1 for a loaf of bread? Would that conduct be criminal? Would that be intimidation? The man might be willing to supply the other, but he could put his own price upon the goods. It came to this—if the offence depended on certain surrounding circumstances, that the Government would have to describe those circumstances, and, in so doing, to add to the Bill a Schedule of fair prices in order to prevent the measure from becoming futile. They would have to do that, because the idea of driving a coach and four through an Act of Parliament was not confined to the country in which it originated. "Boycotting" would be just as practicable, and the Government would be passing a futile Bill. What astonished him was that the Government seemed to think they could put down feelings of burning injustice in the minds of the Irish people. The Secretary of State for the Home Department said they must take their choice between "Captain Moonlight" or "Boycotting." That was precisely his own view; and the Government would find that where farms had been unjustly taken from people, the people would not tolerate a system which brought ruin upon them. The Government were very strong on the question of ruin, and insisted that no man should be ruined by "Boycotting"; the people of Ireland insisted that no man should be ruined by the landlords' system, and if a man was turned out of his farm that would be "Boycotting." He (Mr. Healy) was not one of those who apologized for "Boycotting," for he would not say that in some cases "Boycotting" had not been grossly abused. However, it was not only a necessary practice, but, in cases where it was aimed at injustice, it was a practice that had been often employed with very good results, and a practice to which alone the Irish people could resort. The people of Ireland would try and strike back for injustice, and the Government must keep that in mind. The Irish people would not tolerate injustice so long as they could be avenged. The Government thought they would put down crime by that Bill, but they would do nothing of the kind. The practice of taking the lands over the heads of the people, by fixing a higher value than the market value, and so driving the people to degradation, to workhouses, and to emigration, was a practice which the people of Ireland were determined, as a whole, to resist, and all the Acts of Parliament were contemptible and despicable in the face of that determination, because the views of an united people could not be put down. The Government might deal with this matter in one or two ways. They might make eviction impossible, and that would at once put down "Boycotting." But this Bill was simply intended to prop up the rotten edifice of the land system, and the prop and the edifice would come down together. If men took farms from which others had been unjustly evicted they would take them at their peril. The Irish people would not tolerate that, and the Government might take it as a fact that all the English Bills, and all the English Governments that might exist, would never succeed in putting down the view of the people, that the present iniquitous practice of land-grabbing was an evil, and must be put a stop to. The Secretary of State for the Home Department said that very great evils had to be coped with in Ireland, and special remedies were necessary. Was not the whole system of Irish crime comparable with what took place in England during the Trades' Union outrages? The Prime Minister praised Trades' Unions now; but the Secretary of State for the Home Department had said that Parliament, by the Act of 1871, put this stigma on Trades' Unionism. But the right hon. and learned Gentleman had not mentioned, that no sooner was that Act passed than the Trades' Unions agitated against it, and never ceased until it was repealed; so that there was now not a trace of those parts of the Act to which they objected. The people of Ireland might consent to this Bill, if they were assured that they would have a hearing in the House of Commons, and in the newspapers, as the Trades' Union had; but if an Irish Member made a speech in that House, or in Ireland, it was put into a few lines, while every charge made against the Irish by Englishmen was printed in full in the English papers. Therefore, the Irish people had not the same opportunity that the Trades' Unions had of influencing the views of the country. The right hon. and learned Gentleman said he was willing to deal with Ireland as with England; but what occurred in England? On the previous night the right hon. and learned Gentleman had dwelt, almost with tearfulness, upon the "Boycotting" offences in Ireland. Here were some of the outrages committed by the Trades' Unions, taken from the Blue Book—

"Saw Grinders' Union.—Parker's horse hamstrung in a field by three men, hired by Secretary of Union. Powder exploded at Parker's door, and in the house of Bishop. Parker shot at at his own door, and arm disabled, by men hired by Union. Lindley shot and wounded by an air-gun. Can of powder exploded in Poole's house, because an obnoxious person was lodging with him. Lindley shot at with an air-gun whilst sitting in a crowded taproom; died from effects of wound."

These outrages did not occur in the days of the Saxons; they occurred only 12 or 13 years ago.

SIR WILLIAM HARCOURT: That was the very reason of the passing of the Act of 1871.

MR. HEALY asked, whether the right hon. and learned Gentleman could bring forward anything in the whole history of "Boycotting" in Ireland comparable with what took place in this English time? He would go on with his case.

"Assassins hired by Union: they had tracked him for five or six weeks. Can of powder exploded down Baxter's chimney. Halliwell blown up by explosion of powder. Wilson's house blown up by quart of powder placed in cellar; whilst he, his wife, and children were in their beds. Unsuccessful attempt to blow down Firth's chimney. Attempt to blow down Wheatman and Smith's chimney with 24lbs. in can. Can of powder exploded in Holdsworth's cellar. Attempt to blow up Reaney's wheel. Powder exploded in Fearnehough's cellar: a reward of £1,100 failed to elicit any information.

"File Grinders' Union.—Gillott's house blown up by powder thrown into cellar, whilst he, his wife, two children, and two apprentices were in bed. Torr's warehouse wrecked.

"Fork Grinders' Union.—Mason assaulted by 30 Union men, two only of whom were secured and fined. Three weeks afterwards powder was placed to blow up him and two companions.

"Brickmakers' Union.—17,000 of Robinson's bricks trampled upon and destroyed by night. His cow stabbed, and had to be killed. Attempt made to blow up house in which he, his wife, son, and four daughters were sleeping. Unsuccessful attempt to burn his haystack. One of his horses stabbed dead. About 45,000 of Bridge's bricks destroyed, with barrows and machinery.

"Scissors Grinders' Union.—Syke's machinery injured.

"Fender Grinders' Union.—Sibray, White, and Hulse assaulted by Union men. White left for dead. Attempt made to blow up Wastnidge's house. His wife shockingly burned. A poor woman lodger died from burns. No one punished."

It was needless to go on further with these quotations, but they showed outrages far more frightful than anything that had occurred in Ireland; and yet the right hon. and learned Gentleman brought in a Bill which would give six months' imprisonment, without the option of a fine or a jury; while in England only three months could be imposed, and the option of a fine was given. In face of this, it was said that the spirit of the Government was the same in both cases. The right hon. and learned Gentleman had made a declaration that he would deal with Ireland in a similar spirit as with England; and, that being so, he (Mr. Healy) trusted the Government would now accept some such Amendment as had been proposed.

MR. LABOUCHERE said, he deeply regretted that, when a Minister of the Crown stated what he intended to do, he should use such a vague and almost slang expression as "Boycotting." "Boycotting" conveyed no distinct impression, to his (Mr. Labouchere's) mind; and it might mean a great deal, or a very little. The first expression of opinion with regard to "Boycotting" was uttered by the right hon. Gentleman the late Chief Secretary for Ireland, who said that "Boycotting" was an offence, but was no crime. That opinion had also been expressed by the right hon. Gentleman the Prime Minister, who drew a definition between intimidation by threats and violence and intimidation by words, by means of exclusive dealing; and said that exclusive dealing was not a crime. The Secretary of State for the Home Department now said that "Boycotting" included exclusive dealing and something more; that it included putting a man "in Coventry," and that his object in that Bill was to put down "Boycotting" regarded in that wide sense. Whenever any hon. Member had sought to move an Amendment to the Bill the hon. and learned Attorney General for England had replied that a new principle of the Bill was being introduced. He (Mr. Labouchere) understood—and, as he believed himself, other hon. Members understood—the object of that Bill was to create a new tribunal to administer law in Ireland; and that the claim for that tribunal was that the law at present existing in Ireland could not be carried into effect. Now, however, the Secretary of State for the Home Department went further, and wished to create a new offence.

Sir WILLIAM HARCOURT said, that, no doubt, the first three clauses dealt with the new tribunal, and the other clauses referred to summary jurisdiction. Being out at night and articles in newspapers were, no doubt, new offences.

Mr. LABOUCHERE said, it appeared that the Government were not only seeking to create new offences, but were doing more—they were seeking to make that an offence against the law in Ireland which was not an offence against the law in England. That appeared to him to be a monstrous proposal. [Sir William Harcourt: Being out at night.] That was a mere detail, because it was not the fact of being out at night that was an offence, but because it was the means of an offence. He supposed the Secretary of State for the Home Department did not consider it morally wrong for a man to be out at night. [Sir William Harcourt: Legally wrong.] Legally wrong, according to that Act. But the Government proposed that exclusive dealing should be legally wrong in Ireland, though morally right in England. If the right hon. and learned Gentleman was going to fight out that Bill upon these lines, the best thing the Irish Members could do would be to fight it out to the last. If the right hon. and learned Gentleman would say that he would simply put into this Intimidation Clause what existed in the Act of 1875 with regard to intimidation as applied to Trades Unions, then he (Mr. Labouchere) thought the Bill might proceed quietly, and hon. Gentlemen opposite would make no objection to it.

Sir WILLIAM HARCOURT: It is not necessary to do that, because the Act of 1875 applies equally to Ireland.

Mr. LABOUCHERE said, that was so; but cases were tried with a jury, and if the right hon. and learned Gentleman would say that everything in the Act of 1875 should apply to cases in Ireland, then the Bill might be accepted. But what hon. Gentlemen opposite from Ireland objected to was this—making a crime in Ireland what was no crime in England. He (Mr. Labouchere) considered that the "Boycotting" that was pursued on the lines laid down by the hon. Member for Tipperary (Mr. Dillon) was, no doubt, disagreeable to those affected; but it was necessary in Ireland, and if the Irish people had not adopted it, they would never have obtained that small measure of justice which they had, so far, gained. The Government ought to explain what a man might do in Ireland, and what he might not do. Was it really to be said that if persons met together and said they declined to have any dealings or conversation with someone who acted in a particular way, they were to be taken before a stipendiary magistrate, and if the magistrate considered that the man avoided had been injured in his business or intimidated, those men should be put in prison for six months? If that really was the object of the Bill, then the Irish Members were right in fighting it out to the last. Such a law did not exist in England, and the Secretary of State for the Home Department would not attempt to apply it to England. Surely the right hon. and learned Gentleman knew that the system of sending a man to Coventry existed in England. Was he not aware that if any man was employed in a workshop who was not a member of the union those connected with the union would tell the employer that unless he dismissed this man they would leave his shop? Was not that intimidation? He thought the right hon. and learned Gentleman would do well to withdraw this clause at the present moment. He had said he was willing to accept Amendments, and it would be well for him now to discuss the clause with hon. Members opposite from Ireland, and with the hon. and learned Member for Dundalk (Mr. C. Russell), and see whether it was not possible to lay down some clear terms with regard to intimidation. He might make it an offence to intimidate by acts of violence or by threats of violence; but not to make that a legal offence in Ireland which was not a legal offence in England.

Mr. MARUM desired to call the attention of the Committee to the question exactly at present before them, and that was the Amendment proposed by the hon. and learned Member for Dundalk (Mr. Charles Russell). That Amendment proposed that acts or threats of violence, or injury to person or property, or incitement thereto, should be intimidation. The hon. and learned Member wished that some criminal element should be inserted in the Statute. The framing of the Act was very peculiar in that respect. It stated that—

> "The expression 'intimidation' included any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to, or loss of, his property, business, or means of living."

There seemed to be a spirit of double meaning or *double entendre* in the expression "fear of loss of business, or means of living." No doubt, a man might be in fear, in popular parlance, if he went on to the Turf or on to the Stock Exchange, and in fear of a loss of money, but that was not bodily fear; and it appeared to him (Mr. Marum) that there was a double meaning in this phraseology. Whatever the meaning might be, it was certain that the effect of the clause would be to create a crime where there was only civil loss or injury, without any criminal element proceeding from the acts or threats, as the hon. and learned Member for Dundalk wished to put it. If that sort of crime was allowed to be created, without any criminal element, what would be the effect? What sanctioned or regulated all our actions so much as the law of the land? The censorship of sound public opinion; and here, by this Bill, it was to be provided that ostracism, or the exercise of public opinion, should be penal. Supposing a man was in business, what was the strength of his position? It was the goodwill—the good opinion and respect of his neighbours. But if his neighbours agreed to exercise their opinion over him, this Bill would subject them to imprisonment. If individuals caused civil injuries without any criminal intent, and not as proceeding from threats or acts of violence, the party using that legitimate censorship—the sanction of public opinion, which might in its exercise produce loss of business—would be liable to punishment for crime. What mainly sustained the fabric of society was clearly the censorship of public opinion, and if not only that sanction of public opinion was actually taken away, but a countervailing sanction of principle—the sanction of the law was the penalty proposed in this Bill—was introduced, then the effect of public opinion would be neutralized, and they would be pulling down the edifice with one hand and trying to put it up with the other. The inherent defect of this clause was that the Government proposed to make any act which caused civil loss a crime. The objection of the hon. and learned Member for Dundalk was to the creation or making of an offence, the element of which would cause loss or injury to the trade or business of an individual. If Ireland really required for its resuscitation such a sweeping and drastic measure as that now proposed, it would destroy the value of public opinion. If a clergyman felt it his duty to censure any particular individual for immoral conduct, it might be said, under the terms of the Bill, that the individual censured was so injured in his trade or business that the clergyman would come under the purview of the Act. It might be necessary that the words "wrongfully and without legal authority" would protect him; but the word "wrongfully" here seemed to be open to various interpretations. Was the word to be interpreted politically or morally? He should support the Amendment, believing that there ought to be some criminal element introduced to create a crime.

MR. T. C. THOMPSON said, in his opinion, there was some misunderstanding as to the nature of the Amendment. The Government proposed a clause somewhat different to the English Act, and the hon. and learned Member for Dundalk (Mr. Charles Russell) wished to provide that no prosecution should take place, except in the case of threats or acts of violence. He (Mr. T. C. Thompson) did not object to the substance of the enactment proposed by the Government; but he held that the Government were importing something into the matter which was not quite English, and that instead of adhering to the original plan, they ought to import the words "by acts or threats of violence, or injury to personal property." It should be necessary that some act should be done. What was wanted was to punish something actually done — something like a positive act. He would not exclude "words" altogether, because threats were conveyed by means of words, and he did not exclude threatening letters. Threats spoken in the presence of a man and threatening letters sent were of the nature of acts. But there must be something definite that could be brought home to the man accused. The proposition of the Government violated some of the great principles of our law, because Acts of Parliament and decisions of Judges laid it down that a man should not be punished for mere words spoken. It would be found from research into the past that words spoken were never used as a means of convicting persons of treason. The whole policy and spirit of our principles of law was that we should not convict or punish a man for mere words. There must be something really written or done. The distinction was clear. An act could be clearly proved, whilst it was almost impossible to depend upon the accuracy of any report of "words spoken." They did not want to punish people for words; but, if the proposition of the Government was carried out, it would enable them to prosecute people for words repeated from one person to another; for suspicions in the mind of a policeman, which would make the liberty and position of the people less safe than it now was. He was glad to hear from the Government that they intended to propose that persons in such cases should have the privilege of appeal; that would be a great advantage. "Boycotting" seemed to be an offence peculiar to Ireland at present; but it must not be forgotten that "Boycotting" had always been regarded by the English Constitution as possible, because there were two or three cases in which "Boycotting" in England was specially prohibited. For instance, a carrier was, under all circumstances, bound to carry goods for all people; a publican was bound to receive every person into his hostelry and supply him with refreshment; a clergyman of the Church of England was bound to keep open his church to all comers; and it must, therefore, be supposed that the constitution of the English law contemplated "Boycotting." It contemplated that a carrier might refuse to carry for persons to whom he objected, that a publican might refuse to serve those he disliked, and that a clergyman might close the doors of his church against those whom he deemed hostile to his views. But the law says they shall not do such things. Therefore, looking at it in that way, they must conceive it possible that that great Empire had always looked to the possibility that men might combine together for trading purposes. He was one of those who looked forward to a future state of happiness for Ireland. He did not think it was likely that men would go on fighting for ever about agricultural matters. He thought that the time was coming very soon when the peasantry in Ireland would be content with their condition; that there would arise in Ireland great prosperity founded upon a great trade. The history of Ireland proved that England had been the ruin of Ireland by putting down trades to satisfy the greed of the predecessors of men whom he saw around him in that House. These men were continually engaged in contests with their workmen; and, in future, it would not be combinations of tenants against landlords that would arise, but combinations of employers against workmen, and then workmen might find themselves unfairly restricted by such an enactment as this. He hoped the Committee would remember that they were legislating not only for the present, but for the future; and anything done now would be quoted as a precedent in future, "in questions of merely trade disputes," when it would be said that such was the policy of the Empire in old times. He hoped the Committee would bear that in mind, and reject the clause as it stood.

Mr. T. D. SULLIVAN said, that the Secretary of State for the Home Department had said that that clause was aimed at the practice of "Boycotting;" but it seemed to him that the clause would go very much further than "Boycotting." It took in the vague offence of intimidation, and where that would begin or end nobody could tell. It reminded him somewhat of the definition given by an enthusiastic American, who said the United States were bounded on the North by the Aurora Borealis, and on the West by the setting sun. This Act was not bounded even by the setting sun, with the moon and the stars added thereto, and he could not tell where the crime of "Boycotting" would begin or end, or what words might not be held by somebody to be calculated to terrify some man, or to affect his business. It would be very dangerous, under the Bill, to criticize a grocer, or a baker, who might take any part in public affairs. Grocers, bakers, publicans, and others were sometimes candidates for Town Commissionerships and for Poor Law Guardianships; but if any one of those was strongly opposed as untrustworthy or unfit for the post, and public opinion was excited against him, he might contend that his business had been injured by such opposition, and the people who had opposed him would be liable to prosecution. What would constitute intimidation had never yet been defined. Would nods, or winks, or black looks constitute "Boycotting"? It was said that a great deal might be conveyed by a nod, and it might happen that a man might say that his business had been injured through a word circulated, or a nod or wink passed—and prosecutions could be founded on such trivial things as those. Irish policemen had declared that they were offended by hearing a boy whistling "Harvey Duff," and one policeman had sworn that the whistling of "Harvey Duff" constituted abusive language. Abusive language would constitute intimidation, and he wanted to know where people were to be under this Act? They would simply be at the mercy of the Irish magistrates. It was all very well to speak of the spirit in which this Bill would be passed; but it was not by the spirit, but by the letter of the Act that the people of Ireland would be judged; they would be in the hands of magistrates and police, and it would not do to affect a reasonable and Constitutional spirit whilst this Bill was passing through the House. If the Government so greatly disliked intimidation and oppression, why did not they attempt to deal with the intimidation and oppression practised by landlords and agents? It was notorious that tenants had been intimidated into not doing things they had a legal right to do, and into doing things they had a legal right to abstain from doing. Severe and cruel intimidation had been applied to tenants in regard to their votes at elections at one time; and although the Ballot Act had put an end to that intimidation, it had not been made a crime for Irish landlords to intimidate tenants by the most cruel form of intimidation—namely, eviction, which was equivalent to starvation and death. Landlords intimidated tenants to send their children to proselytizing schools; would that be made an offence? A great deal had been said in condemnation of "Boycotting," and there had been some pathetic and moving descriptions of the sad results of "Boycotting." He (Mr. Sullivan) often wondered, when listening to arguments of that sort, why the tender feelings of the Secretary of State for the Home Department did not go all round the compass—why he was tender on one side on the subject, and had no compunction on the other. Why was it that the turning of people out of their houses did not excite the tender feelings of the right hon. and learned Gentleman? They had heard, as he had said, sad and moving descriptions of the condition of the alleged victims of "Boycotting;" they had heard sad accounts of the harm and injury resulting from "Boycotting;" but he (Mr. Sullivan) had never heard that any person had died in Ireland through "Boycotting." The practice of "Boycotting" was intended for the prevention of a very great evil. One of the curses of Ireland was the class of persons known as the "land-grabbers." The Irish landlords had some defence for their exaction of rack-rents, because of the existence of the Irish land-grabber. These men pounced upon evicted farms, no matter how the eviction had taken place. Very often a land-grabber went to a landlord before any eviction had taken place, and incited the landlord to evict his neighbour, because he coveted his little plot. These men were the curse of the country, and it was little wonder that the people tried to think of or devise some means of checking their ravages. What system did they advise? What system did the Land League recommend? It said, "Treat these men as obnoxious—treat these men as unworthy of social communication. Do not shoot them—do not fire into their houses—do not kill or maim their cattle—simply shun them. Shun them at the fair—shun them in the market—have nothing to do with them—show that you dislike them and their conduct." He thought that very good advice. He gave that advice himself, and he was not ashamed or afraid to confess it. He thought it was the fairest and best means that could be devised of dealing with a class of public enemies whom the law would not touch, and who were a peril to the peace and well-being of Ireland. He hoped the Irish people would adhere to that system. He hoped they would abstain from violence of any kind. They were never advised by the Land League to have recourse to violence. They were warned and cautioned against it; but to regard that class of persons as obnoxious, and as enemies of the public welfare, without having any recourse to violence or criminality. He hoped that feeling and sentiment would survive amongst the Irish people. He believed it was too late to come out and endeavour to make the land-grabber a popular man. It was too late to come and ask the Irish people to bow and smile to him, and, as some people might expect of them, take off their hats to him. It was too late to expect them to submit to slavery or tyranny from any class. He had been speaking of intimidation practised by landlords, agents, and others, and let him mention one instance of such intimidation. He was informed by a clergyman, in the county he represented, that not long ago a landlord in that part of the county passed on the road a young man who did not salute him by taking off his hat. On the following day the landlord sent for the farmer, and told him to send the young fellow out of the country, or he, the farmer, should go out of his farm. The young man was sent to America, because the farmer did not wish to lose his land. That young man would grow up; but what must be his opinion of English law? Was not that intimidation? There was no law to touch it. If this clause would meet intimidation all round, he would have no objection to it; but he knew it would be worked against the people, and it would not touch the real terrorism and violence in Ireland—the terrorism of the landlord and of the police. He should do his best to oppose this clause at every stage.

Dr. COMMINS said, he disapproved as much as any hon. Member of the House of some acts that had been done under the name and guise of "Boycotting;" but, at the same time, he must dissent quite as widely from the provisions of this section, which had been introduced, as the Secretary of State for the Home Department told them, for the purpose of putting down "Boycotting." The Amendment of the hon. and learned Member for Dundalk (Mr. Charles Russell) provided a remedy for one of the greatest flaws in this section. Admitted that it was perfectly right to put down anything that inflicted a grievous wrong upon any subject of the Crown, still they were entitled to know what were these acts which were to be put down. It would not do to say we mean to put down "Boycotting." "Boycotting" was a force unknown to the law. It was a phrase upon the interpretation of which no two persons would agree. Some would consider "Boycotting" nothing more than the right of passive resistance, as the last resort of the oppressed in that country—a resort that the Irish tenant was quite as much entitled to as any other oppressed individual in any part of the world. Others might consider that "Boycotting" amounted to something like intimidation—something like putting a person in bodily fear, which, though not always an offence within the law of England, had, recently, in certain cases, been allowed to be an offence. The first difficulty that occurred to him was, what was it that this section proposed to do? One thing they knew it proposed to do, and that was to interfere with every act of life of one section of the Irish people. Nobody imagined — no hon. Member in that House imagined—that this section, or any part of it, was intended to meet the emergency, or what was known as the "Crowbar Brigade." It was an undeniable fact that it was only intended, that it was intended to be aimed and used against those who constituted the recently-deceased Land League, or against those who sympathized with the tenants in their attempt to get rid of the odious system of landlordism, which had been the ruin of the country. The clause was intended to prevent them from doing acts which they had a perfect right to do. Any single act of a man's life, however insignificant, might be brought within this section, unless there was some restriction made, such as was proposed by the hon. and learned Member for Dundalk. Not a word a man could speak, not even a wink on his part, not a single manifestation of his will, but could be interpreted by somebody into an act of intimidation. This section provided that not only was a person liable to the provisions of the Act who intimidated, but that the person who incited another to intimidate was equally liable. Incitement might be given by a wink; it might be given by a signal; it might be given by standing at ease; and doing anything at all might be alleged to be in pursuance of some arrangement; and, consequently, he maintained that, under this section, there was not one single act of a human being's life in

Ireland, which could be described or put into words, which the fragmentary deposition of a policeman, or of an interested informer, might not construe into a transgression of this section, as it at present stood. It had been said that it was introducing no new principle. That was the argument that was deduced by several hon. Members who spoke last night; but the Chief Secretary to the Lord Lieutenant candidly admitted that it was introducing a new principle, although he had not condescended to tell the Committee what the new principle was. He told them it was intended to put down "Boycotting"—intended to put down crimes which consisted of refusing to supply people with goods; by refusing to work for them. That was introducing a new principle; and it was not only introducing a new principle, but it was violating the admitted principle of the law as it at present stood. The authority of the Prime Minister had been appealed to in support of the proposition that "exclusive dealing" was not illegal, and the Prime Minister himself repudiated the insinuation that he considered exclusive dealing legal. He (Dr. Commins) appealed to a higher authority than the Prime Minister, and that was the authority of the law, as contained in the Statute Book. They knew that the principle of exclusive dealing was the right assumed by persons to confederate and combine, and agree one with the other to avoid dealing with certain persons, to avoid entering into their employ, and to induce others to keep out of their employ. That was the meaning of exclusive dealing, and all that had not only been legalized, but at this moment there was a Statute to that effect, which the Prime Minister, with all his power and his majority at his back, dare not lay a finger upon. The Trades' Union Act of 1871 expressly legalized every one of these acts. The hon. and learned Member for Dundalk, alluding to this subject, last night, said it was a peculiarity of the law of England that acts which individuals would be perfectly justified in doing would not be justifiable if persons conspired and combined together to do them. That might be true to a certain extent. The Trades' Unions Act of 1871, which, unfortunately, did not apply to Ireland, said, in Section 2—

> "The purposes of any trades' union shall, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trades' union liable to criminal prosecution for conspiracy or otherwise."

That expressly legalized exclusive dealing. That section permitted members of Trades' Unions to make agreements not to deal with persons outside the Union; but to deal only with such persons as they might consider desirable to deal with in the interests of their trade. Hon. Members knew what "blacking" a shop was. Trades' Unions were really registered Unions; for they might get the sanction of the law for their rules. They might actually get legal facilities for the carrying out of those very rules, although they were manifestly in favour of a restricted trade. Let him give the Committee an instance of what was constantly occurring in manufacturing districts. The manufacturer, who was not a member of the Union, broke one of the rules, and the consequence was that his shop was blacked. What was done in that case? The very Act which had been cited so very often made it legal for Trades' Unions to place persons outside of that shop and watch who went in and who came out of it, to get information. If a member of any Trades' Union of England was found going into such a blacked shop, he was "Boycotted." He was expelled from their Union; he lost all the benefits of the Union; he lost the money he had put into it; and if he happened to lose the work in the particular shop in which he had offended against the rules, he might find it almost impossible to get any other employment in England. That was what the law of England said it was legal and just and proper to do. Section 3 of the Act of 1871 said—

> "The purposes of any trades' union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render void or voidable any agreement or trust."

And the 4th section provided that—

> "Though actions might not be brought upon agreements between members of trades' unions, as to the conditions on which members would carry on business, who they would sell to or refuse to sell to, or whom they should employ, to pay fines imposed on members by Courts of Justice, strike pay, &c., or for the collection of funds for these purposes, or agreement between one another for these purposes, even by bond, that nothing in the Act shall make any such agreement unlawful."

Here was a deliberate sanction given to the acts that were proposed to be rendered so criminal in Ireland. It was because of such acts people would be rendered liable to prosecution. Under this section they were asking for some safeguard against abuse of the clause. A person might be apprehended at the whim of some man who considered that his business or his prospects in life were in some way interfered with by a mere act, or nod, or word, which he might interpret in his own way, and, in consequence, consider himself justified in instituting a most oppressive prosecution. One of the greatest evils that could exist in any country was an indefinite definition of the Criminal Law. No country could have liberty—no country could have real protection, or political or personal liberty, if the Criminal Law did not clearly and distinctly define what it was that were crimes, and what it was for which they might not be subjected to penalty, or pains, or punishment, or forfeiture. In this case there was no definition whatever. Even if the Amendment of the hon. and learned Member for Dundalk were accepted the clause would still be indefinite. The clause would be such as to leave it at the discretion of the person who made the accusation, and at the discretion of the magistrate who heard the accusation, to say what would be an offence under the Act, and what would not. Even if the people in Ireland had confidence in the administration of the law—and unfortunately they had not, and the confidence in the administration of the law became less and less the lower they descended—this section would work very unfairly and unsatisfactorily. Amongst all right-thinking and unprejudiced people there was a feeling that the higher functionaries of the law in Ireland were deserving of the highest confidence. There was most absolute, entire, and complete confidence in the impartiality and justice of the Lord Chancellor, for instance, and there were other Members of the Irish Bench deserving of a similar tribute for their honesty and integrity. But there were some in whom the people had no confidence whatever, and that want of confidence increased as they descended in the social scale. Amongst some of those on the lowest step of the ladder there was not only no confidence in the administrators of the law, but absolutely an unqualified distrust. They had heard the names of certain individuals mentioned too frequently in the debates in that House, and he would not be so invidious as to mention those names again; but it was a patent and undeniable fact that one of the crying evils of Ireland had always been the want of confidence of the people in those who had to administer the law, particularly those in subordinate positions. A want of confidence would vitiate provisions, such as those contained in this clause, which gave no definition of crime, but which left it entirely subject to the construction of the person, however prejudiced and however unskilled in construing Acts of Parliament. Many of the Irish magistrates were totally unfitted.

The CHAIRMAN: The hon. Gentleman is alluding to a subsequent part of the Act, which provides that the magistrates are to administer the law; his remarks, therefore, have no bearing upon the present Amendment.

Dr. COMMINS apologized, and said, he was perfectly willing to restrain his observations in the direction indicated by the Chairman. One of his chief objections to this section was the indefinite nature of it. It was almost impossible for any man to say what would fall under the clause and what would not, and he thought it was quite legitimate on his part to point out that that indefiniteness was made all the worse by the character of the persons who would have to administer the Act. However, he would retain anything he had to say on this matter until the clause providing for the appointment of magistrates to administer the law came under discussion. He maintained that it was essentially necessary to introduce some element to guide the construction of the law by these unskilled, and in many cases unprofessional magistrates—some element that could be appealed to, and some element that had already existed in the law. That element the hon. and learned Member for Dundalk proposed to introduce by the Amendment they were now discussing. For these reasons he supported the Amendment most heartily. He supported it because it would tend to limit the mischief that this section must undoubtedly achieve; he supported it because it would tend to preserve to the people of Ireland the last remnant of Constitutional liberty—the privilege of merely condemning men whom they felt to be the ruin of the country; men who had degraded and impoverished their country—he supported it because it would allow the people to have recourse to a passive resistance to their oppressors by leaving them "severely alone."

MR. BRYCE said, he thought that anyone who attempted to discuss this clause must begin by admitting that some such clause was absolutely necessary. Hon. Members sitting on the Liberal side of the House could have no doubt at all that an ample case had been made out for a clause of this kind. The only doubt that could exist in their minds was how far that clause should go. They hardly needed the very powerful statement of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant for Ireland to cause them to believe that the practice of intimidation and of "Boycotting" had been carried on to a point in Ireland which had been one of the chief difficulties in the government of that country; and he thought that everyone on the Ministerial side of the House would agree with the right hon. and learned Gentleman the Secretary of State for the Home Department, that this clause should be passed in a shape which would enable it to deal with "Boycotting" as it was practised at present in Ireland. But having said that, he thought they must make some deductions, they must enter upon some further considerations, before they could accept the clause as it stood. There seemed to be three principles which ought to govern their conduct in determining the wording of the clause. In the first place, it ought not to go beyond what was necessary for dealing with the evil; secondly, it ought not to include anything which in the ordinary sense was not a criminal offence; and, thirdly, it ought, if possible, to keep within the same lines as the English law. He thought that they might take these principles to guide them in their consideration of this matter. Let them consider how far the clause went. They were much indebted to the right hon. and learned Gentleman, not only for the very moderate and temperate speech he had delivered, but for the way in which he had narrowed down the point at issue. The point was a difficult, yet a comparatively small one. The point at issue seemed to lie entirely—he hoped the Chairman would not think him out of order in referring to this subsequent part of the clause, because, to him, it seemed essential to do so if they were to deal with the matter fairly and honestly—the point at issue seemed to lie in the last line of the clause—namely, in the words "or in fear of any injury to, or loss of his property, business, or means of living;" and the question which the hon. and learned Member for Dundalk (Mr. Charles Russell) raised was, substantially, whether these lines should remain in the clause. They were pretty well agreed that the practice of "Boycotting" or intimidation should be checked and stopped, so far as it went in the direction of personal injury to the person intimidated, or to any member of his family, or person in his employment; but the question was whether the definition should go on to include cases of exclusive dealing. They ought carefully to define whether they meant "Boycotting" unaccompanied by personal violence, or "Boycotting" which consisted of exclusive dealing to be dealt with by the clause. The right hon. and learned Gentleman, as far as he (Mr. Bryce) understood, did not mean to say that he considered every case of "Boycotting" was necessarily wrong, or rather that every case of exclusive dealing ought necessarily to be taken as punishable under this Act. He thought they might take it that the right hon. and learned Gentleman was of opinion that if a man refused to supply groceries to another man, his refusal would not necessarily amount to intimidation. He submitted to the right hon. and learned Gentleman that the words in the Bill, as they stood, would cover every case of exclusive dealing.

SIR WILLIAM HARCOURT said, that the last section of the clause was in explanation of the words as to intimidation at the commencement, and that the whole was governed by the Clauses "*a*" and "*b*," which denoted the purposes of intimidation.

MR. BRYCE was much obliged to the right hon. and learned Gentleman for the explanation. He confessed he had rather assumed, perhaps wrongly, that the right hon. and learned Gentleman intended to say it would depend upon the circumstances of the case whether exclusive dealing should or should not be considered an offence. It appeared to him (Mr. Bryce), that even in cases where words spoken or acts done were directed to the objects set forth in the Sub-sections "*a*" and "*b*," nevertheless, if those acts or words amounted merely to expressions of an intention not to deal, such expressions were not necessarily always, though they might be sometimes, wrongful, and therefore punishable acts. One was justified, he thought, in considering matters of this kind, to put extreme cases. In dealing with penal Statutes, they had the right to require that they should not be extended to acts which would not, in the ordinary understanding of men, be acts which ought to be punished. If they included in that definition things which the ordinary sense of man rejected as not amounting to acts of intimidation, instead of clarifying the law, they would obscure it. The object of a definition ought to be to make the law more clear; but this attempt at definition would make it more difficult. Now, suppose that at the time of a Parliamentary or other election, the wife of a clergyman went to a dairyman and told him that if he canvassed for the Liberal candidate she would take no more butter from him, and that she believed there were many good Churchmen who would do the same, such a case would come within this definition, for these would be words spoken which would be intended to put a man in fear of loss of business or means of living. They knew that "Boycotting" in this sense was very largely used both in England and Ireland; and even the Ballot Act had not wholly prevented it. They knew that persons were prevented from taking an active part in elections owing to such representations, and yet no one supposed that an act of that kind should be punishable by six months' imprisonment, with or without hard labour, on summary conviction. Suppose that in a country town there was going to be a general holiday, and all the shopkeepers except one were willing to give their *employés* a holiday. If a man or men went to the one shopkeeper who declined to close his shop, and said, "If you do not close we will deal with you no longer," such words would come within the meaning of this definition, because they would put the man in fear of loss of business, and the words would have been spoken with the view of influencing his action. Yet no one could suppose that the man or men who had approached him in that spirit should be committed to gaol for six months. They knew perfectly well that at the Bar, if a counsel habitually took lower fees than his brethren, or otherwise infringed various professional rules, they refused to hold any briefs along with him. That remedy against others who disobeyed the unwritten law of the Bar was thoroughly established by usage, and yet it would clearly come within the terms of this definition. He did not suggest these difficulties for the sake of making the solution of the question any more difficult. His object was rather to narrow the point, and endeavour to get hon. Gentlemen to address their minds to the solution in the proper manner. He could not say they could go so far as to support the Amendment, because it appeared to him that the Amendment would go the length of allowing all kinds of exclusive dealing to be practised with impunity. He was bound to say that the case made out by the Government was that they must deal with exclusive dealing in its more aggravated forms; and he thought that anyone who had experience of Irish affairs would admit that they would not be fairly grappling with the evil if they did not endeavour to prevent "Boycotting" in its extreme and unjustifiable form. He found a great difficulty in saying exactly what the solution of the case should be. He did not pretend to be more competent to solve the problem than any other hon. Member; but he would venture to throw out one or two suggestions to the Government, which, he thought, would ease the difficulty they felt in regard to the Amendment of the hon. and learned Member for Dundalk. It would be well if the Government would give some indication of the view they intended to take, or of the proposition they intended to make, in this matter. He would suggest, as one alternative, that the Government should omit the definition which began with line 25—namely,

> "In this Act the expression 'intimidation' includes any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

This suggestion was, no doubt, open to the objection that this Act would have to be administered by Resident Magistrates, who were not all professional men. Of course, that objection was diminished by the undertaking of the Government to give an appeal; but, still, it was too much to expect the Resident Magistrates of Ireland to interpret what intimidation was and what it was not, and he was reminded that the appeal allowed was only one to the Court of Quarter Sessions, which, after all, was not a Court of high legal authority. His second suggestion was that the Government might rely sufficiently upon the word "conspiracy;" in other words, that they should not think it necessary to deal with acts or words imparting an intention to have exclusive dealing with isolated individuals. The right hon. Gentleman the Chief Secretary for Ireland had said that the practice of "Boycotting" was largely associated with terrorism. That was true; but it had another bearing on the case, and that was that in the majority of cases you could punish a man for an act of terrorism, which act would clearly be within the purview of the clause, apart from those words he (Mr. Bryce) proposed to strike out. He suggested that the Government would do well to rely upon the word "conspiracy" instead of upon the words "acts or words," so that they should make it an offence for a man to conspire with any other person or persons to intimidate any person by putting him in fear of the loss of his property, business, or means of living. He thought that in that way they would not make exclusive dealing a criminal act, but that they would make a combination or a conspiracy to injure a man, by exclusive dealing, a criminal act, and would bring it within the Summary Jurisdiction Clause of the Bill.

SIR WILLIAM HARCOURT said, he might observe that that was part of the principle of the Act of 1875.

MR. BRYCE said, it was perfectly true; but, at the same time, the Committee would recollect that in the Act of 1875 the particular point they were now considering did not arise, because there was no provision in that Act referring to exclusive dealing. The limitation to the conspiracy or combination which he (Mr. Bryce) ventured to suggest, would only apply to cases arising under the last words of the clause. His object in making this suggestion was to strike at the combination or conspiracy to deal exclusively in order to injure a man in his property, his business, or means of living. The third solution he would propose was to omit altogether the last words, "or in fear of any injury to or loss of his property, business, or means of living." And the last suggestion he would make was that the definition in lines 25 to 29 might be, to some extent, qualified by adding the words which the hon. Member for Wexford (Mr. Healy) had put down in an Amendment. He was not sure whether the Government were prepared to accept any part of that Amendment; but he thought it was one which formed an excellent basis for inserting a qualification such as would somewhat relax the stringency of the clause. The Amendment of the hon. Member (Mr. Healy) was to insert, after the word "living," in line 29—

> "Provided, That no refusal by any person to deal with another in the way of the trade, business, or employment of either; and no declaration of the intention not to so deal, and no resort to the practice of what is commonly known as exclusive dealing, shall of itself be deemed to be intimidation."

Those words were, no doubt, very extensive, and he was not prepared to say that they were not too extensive. He was inclined to think, however, that the words suggested by the hon. Member for Wexford might, with certain modifications, prove a solution of the difficulty that now confronted them. It must be remembered that the law was to be administered by persons who were not always skilled lawyers, so that caution was particularly needed; and, therefore, he thought that if the Government would endeavour to mitigate the too great width and severity of the last words of the clause in some way or other, they would find a very general disposition on the Liberal side of the House to support them in the clause as a whole.

MR. PLUNKET said, he did not intend to go over any part of the ground which the Prime Minister and the Secretary of State for the Home Department had dealt with in their very able speeches. He only wished to make a very few observations on what had fallen from the hon. and learned Member for the Tower Hamlets (Mr. Bryce). The hon. and learned Gentleman had, no doubt, treated the matter with a great deal of acumen and ingenuity; but if the Committee adopted his views, they would really whittle away and emasculate the clause of its most necessary and vital provisions. The hon. and learned Member frankly admitted that his object was to get rid of the words at the end of the clause; words which, as stated by the right hon. Gentleman the Chief Secretary for Ireland, were the very essence of the clause, and without which the clause would be of no avail.

Mr. BRYCE asked the right hon. and learned Gentleman to allow him to explain. He thought that, at the commencement of his remarks, he disclaimed any intention of emasculating that clause. He did not think that the only solution was to get rid of the words "or in fear of any injury to or loss of his property, business, or means of living;" but he certainly desired, if they were retained, to qualify them so as to prevent them working unjustly.

Mr. PLUNKET understood that one of the proposals of the right hon. and learned Gentleman, and the one which he put first, was to really get rid of the words altogether by their omission. He wished to contrast the view which was put forward by the hon. and learned Member, which he ventured to say was the view of a doctrinarian, with the view put forward by the Chief Secretary for Ireland, with the consent of the Government—the Government which was responsible for the peace of Ireland—the view of the right hon. Gentleman was, that this part of the clause was absolutely essential. He (Mr. Plunket) would not dwell upon the suggestion of the hon. and learned Member, that certain acts done at an election time, that certain acts done on the occasion of a village entertainment, or something of that kind, might possibly be brought as offences within the purview of this Act. There was not an Act of Parliament that had ever been passed about which they might not suggest some improper application of its provisions; but he really thought that those who used such expressions as these took a trifling view of the case when they suggested the possibility of the measure being applied at the time and in the way which they had indicated. The hon. and learned Member suggested that the Government should deal with conspiracy alone. That was just the very thing that it would be useless to rely upon as being dealt with in this case. How were they going to prove conspiracy? It was because they could prove an individual act, where they could not prove conspiracy, that the clause was framed in this way, and that the admirable precedent of the Act of 1875 had been followed. Why was it that those words were introduced in the Act of 1875? For two obvious purposes. In the first place, to direct and assist the Court in the performance of its duties; and, in the second place, to inform the persons, who might otherwise make themselves amenable, to the consequences of a law which created a new offence. The hon. and learned Member, at the close of his speech, said it struck him as very odd to leave these things at the mere discretion of the Resident Magistrates, who had to make the inquiries, and who might not even be lawyers. In the first place, the clause gave a magistrate a clear indication of the character of the offence with which he had to deal; and, in the second place, it gave a fair warning to those persons who might otherwise be affected by the operation of the new law. The Act of 1875 was intended to meet a most remarkable instance of a new difficulty, with which it was necessary to deal, on account of conspiracy—perhaps conspiracy by the isolated act of an individual instead of a number of individuals. The object of the present clause was to deal with even more subtle and more novel offences than were even contemplated by the Act of 1875. He would like to remind the Committee, before the debate proceeded any further, of the view which was taken of the question of intimidation by the right hon. Gentleman the Chief Secretary for Ireland. Last night, when speaking of the very words to which the hon. and learned Member for the Tower Hamlets now objected, the right hon. Gentleman said—

> "The words 'business or means of living' were all-important, and could not be omitted from the clause without upsetting the main purpose for which it was intended. The clause was directed against the systematic nature of 'Boycotting,' which was carried out at the price of serious suffering to individuals. This system of 'Boycotting' was almost inextricably mixed up with the grosser forms of terrorism, and inflicted extreme hardship and cruelty—cruelty which frequently followed men very far indeed."

These were the words of the official exponent of the views of the Government in bringing this clause before the Committee, and he (Mr. Plunket) did intreat the Committee and the Government to pause before depriving the Government of Ireland of the power they now sought by accepting any such suggestion as that of the hon. and learned Member opposite (Mr. Bryce). It was quite idle to suppose that "Boycotting" had been carried out in Ireland entirely and only by violence or threats—violence either to the individual himself, or to any member of his family. No; the worst and the cruellest forms of "Boycotting" were those which had made a man's life not worth living; those which had ruined his prospects, which had effaced all the results of a long and honourable life; and those forms of "Boycotting" had been directed against those members of the community who least deserved to be treated in that manner, and they had been made use of for the purpose of forcing men to act in a manner dishonourable to themselves, and contrary to all the teaching of morality and religion. It was exactly this subtle and new invention, this terrible weapon with which they had armed themselves, that it was necessary to strike from the hands of the leaders of this movement in Ireland. These were the reasons which he thought ought to weigh with hon. Gentlemen, even if they had not been reinforced by the observations of some of the hon. Members from Ireland sitting below the Gangway on the Opposition side of the House that day. He did not wish to comment upon it at the time, as he did not wish to introduce matters of controversy there; but he wished to put this view to the Committee. Whatever they might think of the various ways of dealing with this matter if the clause had never been proposed in its present form, what did they think would be the effect if they now struck out those words from the clause? Why, the effect would certainly be that the people of Ireland would be told that this attempt to put down this species of "Boycotting" had been rejected by the House of Commons. That would be the effect in regard to the people; but what would be the effect upon the Court? In what position would the Resident Magistrate, who might not be a lawyer, and who might not grasp the undoubted truth that an Act of Parliament must be interpreted as it was found, and not by the surrounding circumstances, find himself? The Resident Magistrate would be told that there were definitions put into the English Act of Parliament, and it was proposed to introduce them in this Act; but, when the Bill came to be discussed in detail by the House of Commons, the particular words which aimed at this form of "Boycotting" were deliberately struck out. He wanted to know what the ordinary Resident Magistrate, endeavouring to administer the Act, was to do. Would not a difficulty be found owing to the difference which had been made between the wording of this Bill and the Statute applying to analogous offences in England? Must not any man who was not a lawyer be oppressed with this consideration, that the words had been deliberately introduced by the Government, but had been rejected by the Committee of the House of Commons? He would not longer detain the Committee on the present occasion. He hoped he had said nothing of an irritating character to any Member of the Committee. He spoke with very considerable experience, for he knew something of "Boycotting." He was on the farm of Captain Boycott before the relief came to his aid; he saw the process in its inception; he had watched every step of it since. It had been his duty—the necessary experience of his life—to watch it; and he now said, with all the solemnity that he could use, that he believed the words which it was now proposed to leave out were the most valuable words in the whole Bill for putting an end to this serious evil with which they had to deal.

MR. O'DONNELL said, he had endeavoured to enter into the solemnity of the right hon. and learned Gentleman's (Mr. Plunket's) speech; but he confessed that, though he had endeavoured to tune his mind to the high emotions the right hon. and learned Gentleman had expressed, he had been unable to perceive either the necessity or the wisdom of the course which he recommended to the Committee. The great argument of the right hon. and learned Gentleman the Member for the University of Dublin was, that even supposing the words were unnecessary, even supposing that these provisions ought never to have been in the Bill, now that they were in the Bill they must stick to them. He (Mr. O'Donnell) did not know whether that was an argument peculiar to the Tory mind; but certainly he had never seen the statement of the great principle, that "whatever is is right," more emphatically set forth in that House or elsewhere. The contention of the right hon. and learned Gentleman really amounted to this—Granted that you have made a mistake with regard to the fundamental provisions of your Bill, inasmuch as you have brought it in, and it has been read a second time, and is now in Committee, you must stick to it without amendment. He (Mr. O'Donnell) expected that, when they again took up the New Rules of Procedure, they would hear a strong appeal from the right hon. and learned Gentleman the Member for the University of Dublin against any further consideration of a Bill which had once passed its second reading. The right hon. and learned Gentleman attacked the arguments of the hon. and learned Gentleman the Member for the Tower Hamlets (Mr. Bryce), on the ground that they tended to the whittling away of the necessary provisions of the Bill. Now, what the right hon. and learned Gentleman called whittling away, he (Mr. O'Donnell) called a just definition. He (Mr. O'Donnell) and his hon. Friends argued that if the Government maintained in the Bill indefinite, vague, and misleading provisions with regard to intimidation, so far from preventing intimidation, they would, in fact, encourage the very worst forms of it. Now, he frankly admitted, just as his hon. Friend the Member for the City of Cork (Mr. Parnell) admitted, that the practice of exclusive dealing, as carried on in Ireland, had, in many cases, been grossly abused, and he certainly would make no objection whatever to the punishment of such gross abuse. He could not, however, approve of punishing just and unjust combination and necessary and improper exclusive dealing alike. The right hon. and learned Gentleman the Member for the University of Dublin quoted a sentence from the speech of the Chief Secretary for Ireland last night, a sentence in which that right hon. Gentleman pointed out that exclusive dealing was, in many cases in Ireland, mixed up with the grosser forms of terrorism. He (Mr. O'Donnell) did not deny that that was so. He said that whenever they came across a case of exclusive dealing that was mixed up with the grossest forms of terrorism, they ought to punish it; but where they had to deal with a case of exclusive dealing of a legitimate kind, such as was practised by English tradesmen, they ought not to punish it just as though it was a case mixed up with the grossest forms of terrorism. The vague form of words in the clause covered both the righteous and unrighteous forms of exclusive dealing. The hon. and learned Gentleman the Member for the Tower Hamlets spoke of "Boycotting" as one of the chief difficulties in the government of Ireland. With a slight change in the words, he (Mr. O'Donnell) would agree with the hon. and learned Gentleman. If the hon. and learned Member had said that the practice of "Boycotting," as carried on during the last two years, had been one of the chief difficulties in the way of the misgovernment of Ireland, he would agree with him. The Government admitted that the law they had been endeavouring to enforce for the last year had been a wicked and unjust law; and they now, at the eleventh hour, proposed to amend it. "Boycotting," generally speaking, had been one of the chief difficulties in the successful enforcement of those bad and wicked laws which were now to be reformed by the Government. Let him, at the outset, protest against the use of the word "Boycotting." What was "Boycotting?" "Boycotting" was simply one of those expressions in reference to which the late Mr. Disraeli, in this House, offered a memorable protest, when he protested against the introduction of slang and jargon into legislation. "Boycotting" was a mere expression of slang and jargon, which might mean nothing—it might mean anything—it might mean what was right and what was wrong. "Boycotting" was a word like "Popish," a word which had acquired a certain evil significance amongst a large class of the English population. "Boycotting" was a word like "Muscovite ambition" in the mind of a strong Conservative. "Boycotting" was a meaningless and slang expression, and he protested against its use. He objected to the words in the clause on the ground of their extreme indefiniteness, and also on the ground that they openly and emphatically and unmistakably brought within the purview and operation of coercion practices which were not only legitimate but necessary. The right hon. and learned Gentleman the Secretary of State for the Home Department stated that the criterion of the guilt of the offence of exclusive dealing was to be found in reference to Sub-sections *a* and *b*, and that it was the view with which exclusive dealing was brought into play that supplied the material for the legality or illegality of exclusive dealing. By Sub-section *a*, a person was forbidden to use what was called "intimidation." And intimidation was—

> "Any word spoken or act done calculated to put any person in fear of any injury to or loss of his property, business, or means of living."

Any word spoken or any act done was intimidation, if it was done—

> "With a view to cause any person or persons either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do."

He could see that under such a subsection a man might be prevented doing a right and necessary act. If a man, in the exercise of his right, did an act which was distasteful to him, he, in return, had a right to express and display his displeasure. Suppose he had a pleasure ground, and admitted to it a number of persons, but excluded a certain person, because that certain person had, in his legal right, excluded him from his pleasure ground some days previous. The man had a perfect legal right to exclude him, but to punish him for his use of that legal right he was determined to inflict upon him a certain amount of inconvenience and hurt. If he did so he was guilty, under this clause, in Ireland, but not in England, of criminal intimidation. He was reminded of another instance. If he refused to deal with a baker, in an Irish town, because that baker was a supporter of some enemy of his, he would be punishable, under this clause, by six months' imprisonment with hard labour. He maintained that he had a perfect right to deal with whomsoever he pleased, and no one had a right to inquire the reason why he did not deal with any particular man. If a person was in the habit of doing something which was objectionable to any man, or any set of men, that man, or set of men, had a perfect and a legal right to refuse to deal with him. He was confident this attempt on the part of the Government to prevent the practice of exclusive dealing would utterly fail. Let them take the case of a newspaper established in an Irish town. That newspaper advanced views and principles objectionable to the people of the town, and some representative of the popular Party started an opposition newspaper. A public meeting was held, and it was resolved that, in consequence of the action of the unpopular editor, the support of the popular Party be in future given to the popular newspaper. Such action on the part of the people would be construed into criminal intimidation, punishable by six months' hard labour. He need not say that it was monstrous, and criminal, and illegal that such a provision should be contained in any Act. Again, they were interested in the improvement of the condition of the labourers in Ireland. The condition of the agricultural labourers in Ireland had been a pet topic with hon. Gentlemen on both sides of the House; and, at the time the hon. Member for the City of Cork (Mr. Parnell) was specially engaged in obtaining redress for the farmers of Ireland, the Conservative Members were in a constant state of gush about the labourers. Suppose that in a certain locality there was a farmer who treated his labourers unjustly, stinted them in their wages, compelled them to herd in some hut or hovel not fit for a pigstye—and these cases were numerous—suppose the labourers of such a farmer resolved that none of their number should work for that farmer, until he gave an undertaking to treat them rightly, properly, and justly; under this clause they would be visited with six months' imprisonment with hard labour. Further, let him instance the case of a rack-rented estate in Ireland, an estate in heavy arrears, an estate on which the practice of keeping the tenants in arrear was of old date. The Prime Minister and Parliament had passed a Land Act which, if allowed to operate on this estate, would shortly reduce the rack rents, and place all the tenants on a footing of liberty and prosperity. The landlord, or his agent, or his understrapper, made it understood amongst the tenantry that if they applied to the Land Court the landlord would at once come down upon them for their arrears. That was the kind of intimidation that would not be touched by the Act; the landlord would have full power under the Act to exercise intimidation. If the tenants on the estate, and on the neighbouring estates, passed a resolution that in case the landlord made use of the arrears, in order to prevent, or if, by the threat of eviction, he prevented a man obtaining the benefit of the Land Act, then all the surrounding farmers should combine to take no vacant farm upon the estate of that unjust landlord, every one of those farmers would be liable to summary conviction, and to summary sentence to six months' imprisonment with hard labour. The right hon. Gentleman the Prime Minister was digging a pit for himself. These Intimidation Clauses would be worked, and were meant by the Party who sat by the right hon. and learned Gentleman the Member for the University of Dublin to be worked, in order to prevent the Irish farmers making use of their legal power of combination to prevent tyrannical landlords continuing their tyrannical conduct. Again, there was nothing in the Irish agrarian situation so really dangerous, and so really mischievous, as the paramount evil of open competition amongst the farming class. There was no Land Act that could be passed that would ever be advantageous to Ireland if over competition amongst farmers continued. It was necessary for the well-being of the country that there should be combination amongst the farmers to prevent that over competition. If the Irish farmers in any district, knowing that a farm was not worth more than 15*s*. or 20*s*. an acre, came to the conclusion to debar from the benefits of their union any man who offered more than 20*s*. an acre for it, there was intimidation; and every farmer who entered into a combination to keep rents at a fair value, and to prevent rack-renting, would be also liable to be charged with intimidation, and might be sentenced to six months' imprisonment with hard labour under this clause. As a matter of fact, the clause was absolutely unworkable. Let him take a case. His contention was this—the clause was a direct stimulant, and provocative of the gravest form of crime. Suppose there was a village tyrant, on whom the force of public opinion might be brought to bear by a regulated system of exclusive dealing, and suppose Her Majesty's Government interfered to force a grocer to sell him groceries, or a baker to sell him bread, or a milkman to sell him milk, when the people were deprived of the ordinary and legitimate means—the same means that would be used in England—of putting pressure on a man, he (Mr. O'Donnell) contended that they stimulated and caused to exist secret societies that would take very different measures with that village tyrant. If they prevented legitimate "Boycotting," they would stimulate assassination. Really, from the point of view of an unpopular landlord—if he were one—he should not like the people that hated him to be forced to supply him with provisions. He should like, under such circumstances, to adopt the Oriental fashion, and to have a "taster" to test the quality or the innocuous character of these compulsorily-provided provisions. If there were grocers or bakers in the village, the kinsmen of families he had driven to ruin and despair, he should be very sorry in all cases to sustain himself upon the food they might be compelled to supply him with. He should think it much safer to put himself in the hands of an Emergency grocer or baker, or get his food from a far-off and less dangerous source. It had been stated in that House that "Boycotting" was made use of against the most honourable and respectable classes of the community, and he frankly admitted that, in some cases, "Boycotting" was made use of unjustly; but, in an overwhelming majority of cases, "Boycotting" was practised against men who, if they had what they richly deserved, would be in penal servitude. He knew cases of landlords and agents who were "Boycotted," and he knew that for 25 and 30 years back these men had done all they could to wring the last penny from the miserable families in their power; and he said that when men rendered themselves unpopular for the sake of greed, they ought to be exposed to the legitimate consequence of their unpopularity. It was right that the Government should protect them from violence and direct attack on their lives and property; but his contention was that it was no part of the duty or right of the Government to force the community, who detested these oppressors, to live on friendly relations with them, and to attempt to force the community to do that would fail, because no law could permanently go against human nature. Was it pretended that, under this clause, the landlord who warmly demanded arrears in order to put pressure on his tenants in view of the operations of the Land Act, ran the slightest risk of six months' imprisonment with hard labour? No; there was not the slightest danger that the grossest intimidation by the landlords would be punished under the Bill; there was not the slightest danger that "Boycotting" by the landlord classes would be punished. There were scores, and hundreds, and thousands of cases all over Ireland of men who had been "Boycotted" by the landlord classes; there were hotel-keepers, stationers, drapers, and men in every walk of life in Ireland who, in consequence of their being members of the popular Party, were "Boycotted" by the wealthy gentry in their neighbourhood. A remarkable case of that had just occurred in Dublin, under the immediate notice, and with the full knowledge, of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) when he was Chief Secretary for Ireland. A member of of the Dublin Corporation and a tradesman of that City, had spoken in favour of the popular Party, and against the terrorist measures of the governing classes. That person had a large establishment in Westmoreland Street, where he sold stationery and articles of *bijouterie* and articles which were calculated rather to adorn than to be of any particular use; his trade lay exclusively amongst the wealthy classes. In the columns of *The Daily Express* there appeared an article, calling on the gentry and the wealthy classes to withdraw their custom from him, in consequence of his action. The right hon. Gentleman the Member for Bradford had not put the editor of *The Daily Express* in gaol under the Coercion Act on reasonable suspicion of intimidation; and he (Mr. O'Donnell) did not believe that any police magistrate of Dublin, or any Resident Magistrate throughout the country, would punish a similar exercise of the power of "Boycotting" by the landlord classes. He knew hotels that had been habitually used by the wealthy classes which, owing to their owners belonging to the popular Party, or to their being used occasionally by Land League orators, and by Members of Parliament belonging to the popular Party, were put on the black list by the neighbouring gentry, and such hotel proprietors had suffered considerable loss in consequence. Well, he maintained that the resident gentry had a perfect right to choose their own hotels. He did not propose that any man should be obliged to use any particular hotel—any hotel to which he might object—for, no doubt, he was the best judge of where he should go; but his (Mr. O'Donnell's) complaint was that under this Act there would be one measure of justice meted out to the popular Party, and another measure of justice meted out to the rich. What was more common in Ireland of late than for the proprietors of large estates to declare that they were so disgusted with the progress of the agrarian agitation and the changes in the relations of proprietors and tenants introduced by the Prime Minister, that they would break up their establishments, and henceforth have nothing but a money relation with the Irish tenantry—that they would take all the money they used to devote to their Irish establishments somewhere else? Was not that a distinct punishment of large numbers of people in consequence of the sympathy of the tenantry with the Land League, and the legislation of the right hon. Gentleman the Prime Minister? But there was no danger that any gentleman who became an absentee to punish his parish would be liable to six months' imprisonment through the breaking up of his establishment, although the act might mean a loss of salary and means of livelihood to scores and scores of persons. He (Mr. O'Donnell) had listened with great attention last night to the speech of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant. He was by no means desirous of implying that the new Chief Secretary for Ireland was not a vast improvement on the right hon. Gentleman the Member for Bradford; but as he had listened to the right hon. Gentleman's exposition of the Government case—the Dublin Castle case—on the subject of intimidation, he (Mr. O'Donnell) could not help saying to himself, "What a marked progress the right hon. Gentleman has already made in the ways of Dublin Castle?" He must confess that the right hon. Gentleman the Member for Bradford, who had entered on his duties in Ireland with as clear an account, and with as popular a past history, as the present Chief Secretary for Ireland, did not show in so short a time so much progress in the ways and ideas of Dublin Castle as the new Chief Secretary had done. [*Cries of* "Question!"] That was exactly the question. Hon. Gentlemen who were ignorant of Ireland might not perceive it; but it was his duty to enlighten them on the point.

Mr. WARTON: I rise to Order. I wish to ask whether the question before the Committee is a comparison between the two Chief Secretaries to the Lord Lieutenant?

The CHAIRMAN: I understand the hon. Member for Dungarvan is about to reply to some arguments that the Chief Secretary to the Lord Lieutenant of Ireland brought before the Committee last night; and I think it quite fair that he should have an opportunity of replying.

Mr. O'DONNELL said, the Chief Secretary for Ireland last night went exactly on the lines of his Predecessor in mixing up together the legitimate intimidation of exclusive dealing with the illegitimate intimidation of terrorism. It was enough for the right hon. Gentleman to say that over a large district in Ireland there was a good deal of "Boycotting," and also a good deal of outrage, in order to make him think he was justified in asking the Committee to consider that a combination of the popular classes against unpopular individuals must necessarily be put down as terrorism. There was no justification for that confusion of two totally different subjects. According to his (Mr. O'Donnell's) mind, the true criterion as to whether an act of exclusive dealing, or a resolution for exclusive dealing, was criminal or not was supplied by the question whether that exclusive dealing, or whether that resolution for exclusive dealing, was or was not to be carried out by terrorism? He contended that in every case in which the Government could prove that exclusive dealing, or a combination in favour of exclusive dealing, was supported in the case of any man, or any dozen of men, by terrorism, then the Government ought to punish the terrorizors with the whole force of the law; but he said that the tenantry, openly and honestly, had a perfect right, if they chose, to enter into a resolution not to take a farm from which another man had been unjustly evicted. They had an absolute right to do that, and any law which prevented them was a wicked and tyrannical law that ought to be evaded by every means at the disposal of the nation. The farm-labourers had a right, he contended, to enter into a combination not to work for any farmer or landlord who did not give a just wage, a fit house, and proper diet to his farm-hands; and though the result of that combination might be to reduce the hard and unjust employer of labour to the most extreme destitution, he maintained that if that employer of labour preferred to starve rather than give a fair wage, let him starve; and neither for his present condition nor for his condition in the world hereafter should he (Mr. O'Donnell) have the slightest regret. The objects and the scope of this measure were far beyond the objects and the scope which were represented to be all that were within the design and desire of the Government. The right hon. Gentleman the Prime Minister and the right hon. and learned Gentleman the Secretary of State for the Home Department had declared that they were prepared to guarantee to the Irish people the same rights of combination enjoyed by the English people. Had they done so? The right hon. Gentleman the Prime Minister and the Secretary of State for the Home Department had, again and again, declared that they were not willing to deprive the Irish people of a single right of combination enjoyed by the English people. Then let them carry out their intention, and insert into this Bill words conferring upon the Irish people the same rights as those enjoyed by the Trade Unionists of England. He did not ask for a single right more; but he and his Friends contended that, just as the body of English workmen—shipwrights, masons, bricklayers, &c.—had a perfect right to combine together, and to refuse to work except on certain terms, and had a perfect right to appeal to all their brethren in other trades to unite with them and refuse to work with a hard employer until that hard employer had granted the terms demanded by his labourers and tradesmen, so they contended that the Irish labourers, and Irish farmers, and Irish operatives in town and country had a perfect right to refuse to work for, and had a perfect right to refuse to aid and assist, their employers, and to refuse to supply these individuals and classes whom the decision of Irish trades' organizations had declared to be enemies of the trade interests and the just rights of the Irish labourers or farmers with the goods they required. They asked for no more. Where a man committed violence and outrage in support of a trade resolution, punish him with rigour, no matter what the trade resolution might be; but where the people choose to occupy a passive attitude, where they stood apart and shunned and refused to assist or to serve an unpopular person, whether he were an employer of town or country labour, a Bill that interfered with that right was a Bill unjust, was a Bill that could only be technically the law, and a Bill which, so long as it was in existence and on the Statute Book, would be an act of tyranny, and would justify the resistance which every free nation ought to oppose to tyranny until tyranny was dead. The crime of intimidation was left purposely so vague in this Bill that it would be left in practice to depend upon the arbitrary will of a number of Government nominees all over the country. There could be no confidence in such provisions; there could be no faith in such Judges; there could be no recognition of duty to carry out a law of that kind. If Her Majesty's Government would introduce words—whether the words of the hon. and learned Gentleman the Member for Dundalk (Mr. Charles Russell) or others—which would make it clear that the object of the Government was to put down violence and terrorism, and not to put down rightful and necessary combination, then the opposition of the Irish Party would disappear in a moment; but if the Government would insist in mixing up in the one anathema lawful combination and rightful union on the part of the farmers against unjust landlords, rightful union of farmers against land-grabbers, and rightful union of labourers against unjust farmers, or the farmers against unjust labourers, with violence and intimidation, it was the duty of every honest man, by every means in his power, and by every encouragement and counsel, consistent with prudence, to oppose the Bill and to insure its failure. The Bill, in its present wording, and this clause of the Bill, were against necessary combination. Unless combination was permitted in Ireland, the Land Act could not work; there could be no protection against unjust arrears, no protection for the labourers against hard service and miserable wage; and the Bill, by preventing legitimate combination, would only give another and a most terrible stimulus to secret and desperate crime; and if, after this Bill became law, outrages of a most serious character multiplied, the moral blame would rest with the Government that insisted upon passing such an unjust measure.

MR. HORACE DAVEY said, that the speech which the Committee had just heard was one of those speeches which made it most difficult for Liberal Members to offer such criticism or observations as they might wish to the proposal of the Government; but he would not be deterred by the observations which the hon. Member for Dungarvan (Mr. O'Donnell) had made, from offering one or two criticisms upon the language of the clause under discussion. He should have the Committee with him when he said that the question under consideration was one of extreme importance; not only did he see the extreme importance of putting down the practice, which had been called the practice of "Boycotting," and which was admitted by hon. Gentlemen opposite to have been carried to a gross abuse; but he thought that the Committee must also appreciate the importance of taking care that, whilst they desired to put down that system in the manner in which it was now exercised in Ireland, they must be careful that they, as far as possible, framed their definition of the offence they intended to put down, and at which they intended to strike, so as not to introduce a precedent which might, on future occasions, be found to be fraught with some inconvenience. Now, he thought the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket) had done injustice to the hon. and learned Member for the Tower Hamlets (Mr. Bryce), for he (Mr. Horace Davey) had not understood his hon. and learned Friend in any way to have palliated or extenuated the practice of "Boycotting" as carried on in Ireland. He understood his hon. and learned Friend to have entirely agreed with what had been said by speakers on the Government Benches—with what had been said by the Secretary of State for the Home Department and the Chief Secretary to the Lord Lieutenant of Ireland—as to their desire to put down the offence, and all that his hon. and learned Friend the Member for the Tower Hamlets wished to urge on the Committee was that the definition of intimidation was so worded that it would include cases which the common sense of mankind would at once decline to treat as criminal offences. Whether that was so or not—of course it was a question of verbal criticism—he (Mr. Horace Davey) did not understand that there was really any material difference in substance between his hon. and learned Friend and the right hon. and learned Member for the University of Dublin, who had followed him. The only matter which he and his hon. and learned Friend, and other hon. Members on that side of the House, wished to enforce upon the Committee, was that they should take care that the definition was not so wide as to give an excuse to the magistrates to treating as criminal offences what it would be revolting to the common sense of mankind so to treat. If the right hon. and learned Gentleman the Member for the University of Dublin would allow him (Mr. Horace Davey) to say so, he had listened with great admiration to the speech in which he (Mr. Plunket) had denounced the offence they were dealing with. He (Mr. Horace Davey) could not command words so eloquent himself; and, if the Committee would allow him, he desired to adopt fully the language in which the right hon. and learned Gentleman had described the enormity of the offence. The question was one of great difficulty, and he was sure Her Majesty's Government desired to give candid consideration to it, and not to put any definition or clause in the Bill which would go beyond the necessity of the case. The position of the case appeared to him to be this—no one could say that exclusive dealing, in itself, was unlawful. It was, of course, an obvious truism that a person had a right to select his own butcher, or baker, or grocer; and, on the other hand, that any butcher, baker, or grocer had a right to decline any particular person's custom; therefore, in itself, exclusive dealing was not unlawful. But, then, he could quite conceive—and that was the foundation of the clause—that circumstances might make, and in Ireland had made, exclusive dealing unlawful. Well, if that were the true position of things, they should endeavour to frame this clause in such a way as to make exclusive dealing an offence only when exercised and carried out under circumstances which made it an offence; or, in other words, it was the circumstances by which it was accompanied, and under which it was exercised, and the extent to which it was carried, and long persistence in it, which was evidence that it was *mala fide.* It was the circumstances which created the unlawfulness, and not the exclusive dealing itself. The hon. and learned Member for the Tower Hamlets (Mr. Bryce) and some other hon. Members on that (the Ministerial) side of the House thought that, in that definition of intimidation, the words—

> "Calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living,"

would include every case of exclusive dealing, apart from the circumstances under which it was adopted. He gave credit to the magistrates in Ireland, who would have to interpret this Act, that they would not desire to put an extreme construction on it; but he took it that Parliament was bound, when creating a new offence, and when that offence was one which—if it was not a "bull" to say so—was in itself not an offence, so far as possible to use language to express its mind and meaning as accurately as it could. He was quite aware that in framing Acts of Parliament it was impossible to observe perfect accuracy of language; but, at least, they could try to do so, and he was sure the Government would try to make the words sufficiently accurate and explicit. How was it to be done? The Secretary of State for the Home Department had interrupted the hon. and learned Member for the Tower Hamlets, and had pointed out that the words with which they were mainly concerned at the present moment, "wrongfully and without legal authority," governed the whole section;

but he (Mr. Horace Davey) did not think that that was a perfect answer to his hon. and learned Friend's observation, and he would tell the Committee why. It occurred to him, that if they once got to this, that exclusive dealing was intimidation, then it was like any other kind of intimidation, and he should suppose that to use intimidation for either of the purposes included in Subsections *a* and *b* would be in itself wrongful; and he should suppose, particularly when he looked at the English Act of 1875, from which these words "wrongfully and without legal authority" were taken, that these words were not intended to qualify the use of the intimidation, but to meet the case of a person in a public, or official, or judicial position, who, of course, was obliged, and whose duty it was, to exercise intimidation towards wrong-doers. He did not himself think that "wrongfully and without legal authority" in any way qualified the nature of the intimidation. It was difficult to express in verbal criticism of this kind one's exact meaning; but he trusted he had succeeded in bringing it to the minds of hon. Members. If they once got to this, that exclusive dealing came within the definition of intimidation, inasmuch as every intimidation must, he conceived, be unlawful, unless used by a person authorized by law to intimidate, then the fears which had been expressed, not only on the other side, but in other parts of the House, were not altogether groundless. He had considerable doubts about the clause, and he would not say that he had not changed his mind with regard to it more than once. He had been disposed to support the hon. and learned Member for Dundalk; but the reasons urged against the Amendment were, to his mind, conclusive, and he thought it was framed in such a way as not to meet the particular offence against which the Bill was directed. It seemed to him that the arguments which his right hon. Friend the Chief Secretary and the Secretary of State for the Home Department—the whole of whose speech he did not hear—were conclusive on the point. He might incidentally remark that this debate had been to him an illustration of the value of debate, because, speaking for himself, he could only say he had derived the greatest possible instruction and assistance from the speeches that had been made. He rejected the Amendment as far as he was concerned. He thought the Government were entitled to have words in the Bill which would meet the particular case of "Boycotting;" and he thought that the reasons that were given in his very able speech—if the right hon. and learned Gentleman the Secretary of State for the Home Department would allow him to call it so—and certainly the very lucid speech delivered yesterday evening by the right hon. Gentleman the Chief Secretary for Ireland, were conclusive in showing that conspiracy alone was not enough, and that combination alone was not enough. He thought it was a just observation that where a "Boycotting" notice was attached to a chapel door the act was the act of one man, and they might be able to get at that one person when they could not detect or punish the conspiracy or combination of which that one person was the instrument and mouthpiece; therefore, he thought it would not be sufficient merely to confine it to the offence of conspiracy or combination. He could not say the words were altogether satisfactory; but he did not feel himself justified in any way going against the Government on those words, and, as the clause stood, he had come to the conclusion it was his duty to support the Government entirely. But, inasmuch as it was admitted by the right hon. and learned Gentleman the Secretary of State for the Home Department, that it was the circumstances that made exclusive dealing an offence, he hoped the Government would give a favourable consideration—at any rate, he was sure they would give a candid consideration—to an Amendment that was mentioned by the hon. and learned Member for the Tower Hamlets (Mr. Bryce)—namely, to add to the end of the clause such words as these—

> "Provided, That no refusal by any person to deal with another in the way of his trade, business, or employment, shall of itself be deemed to be intimidation."

That seemed to him to express, as nearly as one could do, the idea he desired to convey to the Committee, that exclusive dealing of itself was lawful, but that it was properly included in the definition of intimidation, because it could be—and in Ireland, he regretted to say, it was—easily practised under such circumstances as to bring it within the law.

He hoped the Government would believe that his hon. and learned Friend and himself, and others in that part of the House, had no desire to minimize the effect of this clause in the criticism they had thought themselves justified in offering to the Committee. Whether they had succeeded or not, their desire had been to render the clause as accurate as possible,

Mr. SYNAN said, the Committee could not but look upon the tone and spirit of the hon. and learned Gentleman who had just sat down (Mr. Horace Davey) as satisfactory. In that tone and in that spirit he (Mr. Synan) claimed to share, and cordially to concur, and though he might differ in some respects from the views of the hon. and learned Member, yet, on the whole, he might say he was on all fours with them. It was not his intention to go into the general question as to whether "Boycotting" or exclusive dealing was legitimate; neither was it his intention to go into the questions addressed to the Committee by hon. Gentlemen behind him, as to the justification for "Boycotting" in Ireland, although he concurred with those hon. Gentlemen to this extent—and he concurred in the concluding portion of the observations of the hon. Member for Dungarvan (Mr. O'Donnell)—that if it was intended to bring exclusive dealing on the part of the tenant within the provisions of the Bill, he hoped also it was intended to bring exclusive dealing on the part of the landlords also within them, so that there would be justice, in that respect, done all round. If exclusive dealing was to be treated as a charge to be brought within the terms of the Bill by any prejudiced magistrate in Ireland, he thought it was the business of the Committee now, and the duty of Her Majesty's Government, to make the words so clear that it would be impossible for any magistrate, however prejudiced, to bring legitimate exclusive dealing within the law. He came now to address himself to the clause before the Committee and to the Amendment of his hon. and learned Friend the Member for Dundalk (Mr. Charles Russell). He was quite prepared to admit that the proposal of his hon. and learned Friend went beyond the words of the Act of 1875, because the words of that Acts were "uses violence to or intimidates another person" so as to produce certain consequences more or less injurious to the person or property. His hon. and learned Friend used the word "violence" alone, and left out the words "or intimidates." But then the Act of 1875 was as much in force in Ireland as it was in England, and if anyone did come within that Act, he exposed himself to its punishments just as much as anyone who came within the present Act would expose himself to its punishments as soon as it became the law of the land. Which, he would ask, were the more reasonable, the words of his hon. and learned Friend, or the words of the clause, upon which hon. and learned Gentlemen on the other side of the House differed? Though they were inclined to support the Government, they condemned the words. But how were they to be amended? The words of the clause were "every person who wrongfully or without legal authority, uses intimidation," &c. Of course, a person would use intimidation wrongfully and without legal authority; and, as the clause stood, there seemed to be a contradiction of terms. The words supposed that a man could justly intimidate. A person, he supposed, might justly give a caution or advice; but how a man could justly intimidate another man it was difficult for him to conceive. But the words recommended the whole of the rest of the clause. And what was the rest of the clause? What did the word "intimidation" include? The clause went on to say—"In this Act the expression 'intimidation' includes." And the magistrate who might have to administer the Act might say—"Intimidation only 'includes' these things; but there are many things which come under it beyond those mentioned —what is said to be 'included' does not comprehend the whole meaning of the word intimidation." He certainly thought the word "includes" might be read as implying that something had been left out, and that something else was meant; therefore, it was impossible to keep in the word. Passing by that, and leaving on Her Majesty's Government the duty of correcting it, at all events let them see what was included. It included—

> "Any word spoken, or act done, calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or

to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

He could understand an act calculated to cause injury or danger, and he could understand an act calculated to cause injury to or loss of property, business, or means of living; but that an act should be punished with imprisonment and hard labour, that only produced a fear in a man's mind that he would suffer injury, or loss to his business or his property, was a most extraordinary thing. The inquiry would be a metaphysical one. How could he decide what effect a particular act might have on a particular man's mind? One person might not be afraid by reason of a particular act—he might not be afraid that it would cause injury or danger to himself, his family, his business, or property; whereas, a nervous man or an old woman might consider that almost anything said or done, however innocent it might be, would produce danger to person, or danger or loss to business or property. It was impossible that the word "fear" could be left in the clause, for it was impossible to leave the commission of a crime to depend on the nature and condition of mind of the person in regard to whose business or property the particular act which would constitute the crime would be done. It was impossible that the mental condition could be a proper test of the injury done. It was impossible, unless they wanted to comprehend everything, and bring every innocent word or act into the net, together with every form of exclusive dealing—it was impossible to allow the word "fear" to be the test of the crime. He would defy the Government to produce any Act of Parliament in which the fear which it might excite in a man's mind was made the test of a word spoken or an act done being a crime, and exposed the man who had spoken the word or performed the act to punishment. No; the test of the crime was the injury done to the person or property of the man in the opinion of a person of common understanding. If they went back to the Act of 1871, it set the matter beyond any question. The Act of 1871 and the Act of 1875 only stated the acts done, and nothing was left to depend upon the fear which might be excited in a man's mind. These acts were—first, violence, threats, and intimidation calculated to injure a man's person or property; secondly, breach for which a man might be bound to produce surety for the maintenance of the peace; thirdly, violence to, or the obstruction of, any person in the manner defined by the Act —either by a master towards a workman, or a workman towards a master. Then there were words in the 7th clause of the Act of 1875 touching conspiracy. But the clause was not confined to conspiracy or to trades' unions, but comprehended all cases, and extended to all men. The acts that came under that were the using of violence or intimidation to a man so as to produce injury to his person or property; secondly, the persistent following of that person; thirdly, the hiding of the tools of that person; and, fourthly, watching or besetting that person's house or place of business; the fifth head mentioning two or more men. Any Judge could decide upon these acts. The mental condition of the person believed to have been injured had nothing to do with the matter. But, in the Bill before the Committee, the mental condition of the man who complained was made the test of the injury done; and he (Mr. Synan) contended it was impossible that such a clause could ever be passed by this House. It was impossible that it was not intended to confine this clause to what it had been declared that it should be confined. The Prime Minister had said he did not intend to apply a different law to Ireland to that which was applied to England, but only to adjust it so as to suit the individual circumstances of Ireland. Why, then, did the Government go beyond that intention? Were not the words of the Acts of 1871 and 1875 sufficiently comprehensive to cover the peculiar circumstances of "Boycotting" in Ireland, unless they meant to drag within the definition of "Boycotting" the system of exclusive dealing which under the Acts of 1871 and 1875 were perfectly legal? These were the grounds on which he was against the words of the clause; and as there was no other Amendment before them, save that of his hon. and learned Friend the Member for Dundalk (Mr. Charles Russell)—though his words went beyond the Act of 1875—and as he condemned the clause so completely, as, he thought, every other judicious and honest man must do, he should go into the Lobby with his hon. and learned Friend.

Mr. GLADSTONE: I desire to make a suggestion. I would respectfully submit that this Amendment should now be allowed to come to a division. We all feel that we are on a matter of great importance, and I believe that everyone desires to make practical progress with the debate; but I wish to point out that no practical progress with the debate whatever can be made so long as we continue to discuss the subject on the immediate question before us. The hon. Member who has just sat down (Mr. Synan) has delivered a speech which, I think, contributes very much to the better understanding of the question. That was preceded by what I may call the admirable speech of an hon. and learned Gentleman on this side of the House (Mr. Horace Davey); but those two speeches, if they referred to any part of this particular clause, referred to the latter part of it. We are now on the words proposed by the hon. and learned Member for Dundalk (Mr. Charles Russell), and these words have been stated by him—as has been admitted on all sides—to exclude altogether the question of "Boycotting." But it is agreed in almost every quarter that "Boycotting," in some shape or other, is to be included. The speeches of the hon. Member who has just sat down, and that of my hon. and learned Friend on this side of the House, were both on the question in what manner, and on what terms, we should deal with it. I say, let us get quit of the Amendment immediately before us. That has nothing to do with "Boycotting" whatever, and there has been no debate on it. During the discussion to-day hardly 10 minutes have been spent in considering the Amendment; and if we are now permitted to get rid of that question, we can then proceed to the consideration of other Amendments which have reference to the way in which the provisions of the clause can be adapted to the object which it is generally desired to attain. If it is meant to have any limitation at all, we should be allowed to get rid of this Amendment and proceed with the discussion of the Amendments proposing such limitation.

Mr. BIGGAR said, the right hon. Gentleman asked them to take a division on that particular question at that particular moment; but there were several objections to that course, which he would state to the Committee. One important objection to having a division was, as the right hon. Gentleman himself had said, that the subject had not been sufficiently debated. If he (Mr. Biggar) understood the Prime Minister, what he said was that a particular question had been raised and had not been sufficiently debated.

Mr. GLADSTONE: I beg the hon. Member's pardon; what I said was, that the debate had been completely exhausted, or, if I did not say it, that was my meaning.

Mr. BIGGAR said, that as he understood it, the right hon. Gentleman, first of all, said he thought the debate had drifted into one particular line—namely, the question of "Boycotting;" but he (Mr. Biggar) ventured, with all due deference, to say that there were other questions which might arise on this Amendment entirely outside the question of "Boycotting," questions which were entitled to very serious consideration, and on which he and other Members of the Committee had not expressed their opinion. The hon. and learned Member who had moved this Amendment (Mr. Charles Russell) last night ought—not, perhaps, according to ordinary routine, but according to what was desirable on a matter of such great importance—to be present to reply upon the whole case with regard to this particular Amendment. If that were a trumpery Amendment, of no importance, the contention of the Prime Minister might be entitled to considerable weight; but it was not a trumpery Amendment. It was one of a very material character, and the hon. and learned Gentleman who had moved it, owing, no doubt, to his professional duties, had not been able to attend and take part in the discussion of his own proposal. For that reason, he (Mr. Biggar) submitted that the contention of the right hon. Gentleman the Prime Minister did not hold water, and that the debate should be adjourned, and the Bill considered at its present stage at 4 o'clock to-morrow. There was another important question in regard to this branch of the subject, and it was this—that his hon. Friend the Member for the City of Cork (Mr. Parnell), who was the Leader of that particular section of the House, had not yet had an opportunity of expressing any opinion with regard to the Amendment before the Committee. For these reasons, he thought the best plan would be to move to report Progress, so that the matter might be further considered to-morrow. He would not, however, make the Motion, as there were several hon. Members who had not yet spoken, who desired to do so to-day. He himself had not spoken, and as he had taken notice of certain points in the speech of the hon. and learned Gentleman the Member for Dundalk, which had not yet been answered, he should be glad to go on now, and offer an opinion upon the hon. and learned Member's observations. The earlier part of the clause was of a very general nature, and, as the Secretary of State for the Home Department had specifically said, was to take cognizance of one particular form of offence — namely, "Boycotting." But there was one peculiarity as to this word "Boycotting," and that was that, so far as he (Mr. Biggar) knew, the right hon. and learned Gentleman had not defined what was really meant by it. He had heard a great many things called "Boycotting," some of which, as had been pointed out, were not defensible—at least, he did not undertake to defend them. He had heard of a farmer taking produce to market, and being unable to sell it, not because the buyers "Boycotted" him, but because rude people raised a crowd around him and drove away the intending purchasers. That was an offence which would come under the general law of intimidation or riot, and there would be no difficulty in dealing with it. But if action in a case of this kind were taken in a totally different manner, if the buyers merely abstained from buying from the farmer, surely that could have been done without infringing any moral or legal obligation even under the measure now before the House. To give, as an illustration, a case which had come under his own observation in a town in a central part of Ireland, a person went into a grocer's shop, and asked the grocer to buy a load of turf, but a little girl came in and said, "This turf is 'Boycotted,'" giving a hint to the shopkeeper that, perhaps, it would be as well not to buy the load of turf on that occasion. There was no intimidation there, but an expression of opinion on the part of the child that it would be better not to buy a load of turf at that time. It could not be said that this child was able to use any sort of intimidation against the shopkeeper, a man of mature years, and in very good circumstances. Would this case come under the Bill? Under the Act of 1875, it was possible to prosecute a person and punish him severely if he used any form of intimidation. Supposing, in the case he had quoted, instead of a little girl coming into the shop and saying, "This turf is 'Boycotted,'" a rough man had entered and said to the shopkeeper, "If you buy this man's turf, you will have your windows broken, or your trade taken from your shop, or some other punishment inflicted on you," the Act of 1875 would have operated, the offence of intimidation would have been committed, and, in all probability, the man would have been convicted in the ordinary course of law and punished. But it seemed to him (Mr. Biggar) that the Government were simply beating the wind. There was not the slightest use in bringing in a Bill of that kind to define a form of misconduct, which, if it were misconduct, was so hard of proof, and with regard to which it would be so easy to evade the law. An hon. Member had pointed out what was done in those cases which occurred in England and Ireland, and which closely approximated in character to "Boycotting."

THE CHAIRMAN: I have listened very carefully to the hon. Member; but I do not find that he is talking on the Amendment at all.

MR. BIGGAR said, he was replying to the observations which had been made in the course of the debate, and the hon. and learned Member for Dundalk had specifically stated that this question of what was called "Boycotting" was raised in the particular Amendment now before the Committee. He would take care that in the course of his observations he did not say anything that was out of Order, or anything that was not perfectly in reply to something which had been said by another speaker during these discussions, or that did not specially refer to the Amendment, or the words the Amendment referred to. As to this intimidation, no doubt, according to the law that existed in England, a certain sort of exclusive dealing was perfectly legal. Supposing a particular class of persons obtained a monopoly of a particular trade, that class must act impartially to everyone who went to them. Reference had been made to the publican. He was a person who was obliged to serve a man who went into his house during legal hours and asked to be served, whether he liked that man or not. A Railway Company, again, were bound to give accommodation to a person who proposed to travel on their line. But, on the other hand, a person who simply hired out carts without a licence was not bound to lend his horse and vehicles, unless he felt disposed to do so, and unless he liked the person he had to deal with. And supposing a shopkeeper lived in the next house to the publican, he was not bound to do as the publican had been obliged to do with regard to the supply of goods, but was perfectly at liberty to sell, or to refuse to sell, as he might feel disposed. And now he (Mr. Biggar) would make some reference to the right hon. and learned Gentleman the Secretary of State for the Home Department. He had laid it down that persons were not at liberty to inquire whether a customer had paid his rent. That was taking an extreme view as to cases that should come under the cognizance of the Act. It proposed that persons who, for trifling reasons, refused to give a supply of food to other people should be liable to punishment; but, on the other hand, if the landlord had claimed an excessive and unreasonable rent, and evicted his tenant, destroying his means of living, he suffered no punishment under this clause. He (Mr. Biggar) held that the Bill was one-sided in its substance, would have no operation, and was very mischievous, for the reason that it would give the Irish people to understand that there was to be one law for the rich and another for the poor, one law for the landlords and another for the unfortunate tenant farmers. It even went farther than that, and said that persons were not to incite to intimidation——

The CHAIRMAN: I have pointed out that the hon. Member is discussing just now all the details of the clause upon an Amendment that is specific. It is with reference to a person using intimidation or inciting others to use intimidation by acts or threats of violence or injury to person or property.

Mr. BIGGAR said, he certainly was referring to injury done to person or property. What he had been referring to had seemed to him to be a question of intimidation—such cruel and oppressive conduct on the part of a landlord to an unfortunate was surely one of the grossest forms of intimidation. A threat of eviction was surely intimidation, and eviction, when carried out, was surely one of the severest punishments that could be inflicted on a man. He submitted that he was in Order on the point, and not deserving of the Chairman's censure. However, he would not pursue the matter further, as he should probably have another opportunity of speaking.

Mr. PARNELL said, he trusted the Government would consent to report Progress. He understood the Prime Minister was anxious that a division should be taken on the Amendment before the Committee; but, in view of the fact that they had had no intimation from the Government that they intended to make a concession as to the definition of the offence of intimidation, and of the fact that a great many hon. Members who intended to vote on their (the Irish Members') side had left the House, under the impression that a division was not to be taken that evening, and also in view of the fact that several Irish Members desired to address the Committee on the subject of the Amendment, he did not see how they could agree to take the division until Thursday. At the same time, he might say that there would be no desire on the part of the Irish Members to unnecessarily prolong the debate on Thursday. He begged to move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Parnell.*)

Sir WILLIAM HARCOURT said, that after what had been said by the Prime Minister, the Government could not consent to the Motion for reporting Progress. Hon. Members opposite, seeing that the hour was approaching when the debate must, of necessity, cease, had the matter in their own hands; but to consent to the Motion would be to admit that the Amendment had not been fully discussed, and probably there was not a man in the House who thought so. It was admitted that the Amendment before them could not be sustained; therefore it was obvious they ought to allow it to be disposed of. All that the Prime Minister would ask was that they should dispose of this Amendment, leaving over any others that would modify the clause.

Mr. CHARLES RUSSELL said, that as he proposed the Amendment, he should like to say a word with regard to it. He had listened to the speech of the right hon. Gentleman the Chief Secretary for Ireland (Mr. Trevelyan) yesterday, and had heard a good deal of the debate to-day, and he confessed that the speeches which had been made did satisfy him that there were some cases of "Boycotting," which he might call extreme cases, unaccompanied by acts or threats of violence to person or property, which it might be perfectly proper to treat as criminal offences under the Bill, and which would not entirely come within his Amendment. But when he said that, he begged distinctly to say that he preferred his Amendment, with all its shortcomings, to the clause of the Bill as it stood. He thought it was matter for regret that the suggestion made by his hon. Friend below him the Member for Northampton (Mr. Labouchere), early in the day, was not adopted—namely, that the clause should be postponed and that the Government should bring in a new clause, which should have for its object the definition and limitation, the ascertaining with exactness the scope of the clause. He must say that he should oppose, as far as he possibly could, a clause which left it in the power of a magistrate, stipendiary or otherwise, to treat as an act of intimidation and criminal offence any word spoken or act done which, in his judgment, amounted to "Boycotting." He admitted there were shortcomings in his Amendment, and would willingly assist the Government in defining cases of "Boycotting," which yet might not be "acts of violence or threats;" but unless the Government endeavoured to define the offence more accurately he should stand by his Amendment.

Question put.

The Committee *divided:*—Ayes 30; Noes 250: Majority 220.—(Div. List, No. 116.)

And it being a quarter of an hour before Six of the clock, the Chairman left the Chair to report Progress.

Committee to sit again *To-morrow.*

And it being Six of the clock, the House was adjourned without Question first put till *To-morrow.*

HOUSE OF LORDS,

Thursday, 8th June, 1882.

MINUTES.]—Public Bills—*First Reading*—Local Government Provisional Order (Artizans' and Labourers' Dwellings) * (121); Local Government Provisional Orders (No. 3)* [122]; Pier and Harbour Provisional Orders (No. 2) * [123].

Second Reading — Justices' Jurisdiction (112); Metropolis Management and Building Acts (Amendment) * (104).

Report—Arklow Harbour * (98).

JUSTICES' JURISDICTION BILL.

(*The Lord Bramwell.*)

(NO. 112.) SECOND READING.

Order of the Day for the Second Reading read.

Moved, "That the Bill be now read 2ª."—(*The Lord Bramwell.*)

The LORD CHANCELLOR said, that, considering the great experience which his noble and learned Friend (Lord Bramwell) had had in trying the cases with which the Bill was intended to deal on Circuit, he could not hesitate to agree to the second reading of this Bill; but it was desirable that it should be considered by the Home Office, and therefore he hoped, if the Motion were agreed to, that a reasonably long interval would be allowed to elapse before the stage of Committee.

Lord BRABOURNE said, he also hoped that some time would be given for considering the provisions of the Bill. He was sorry that the Bill was introduced when the noble Earl who represented the Home Office (the Earl of Rosebery) was not present, as it would be well that their Lordships should know what the opinion of the Secretary of State for the Home Department was in regard to it. He was glad to find, from the introduction of this Bill, proposing, as it did, to extend the jurisdiction of Quarter Sessions, that his noble and learned Friend (Lord Bramwell) did not entertain that low opinion of the county justices which was held in other quarters. For instance, he might refer to a speech which was made by the Chancellor of the Duchy of Lancaster (Mr. John Bright), in which the right hon. Gentleman said that they were a foolish and unjust body of men, though it was his duty to appoint some to the Bench. Now, if they were as the right hon. Gentleman had described, they should not be allowed to try cases in Quarter Sessions. However, he was glad to find a different opinion in that House. There was, however, clearly a difference between the two classes of offences, the jurisdiction over which his noble and learned Friend proposed to intrust to the magistrates at Quarter Sessions. With respect to certain cases of burglary, a jurisdiction might properly be given to the magistrates; and one great reason for the change was that, under the present system, persons accused of comparatively slight offences might be kept a long time in prison without trial; but when they came to deal with the question of forgery, the matter required more consideration, because the evidence then was of a different character from that which commonly came before Quarter Sessions. There was no evidence which required more sifting than that with respect to handwriting. Many of those cases could not, he thought, be satisfactorily tried by the magistrates, who, in many cases, had had no legal training; but ought to be relegated to a Court where the very highest legal talent presided. The general scope of the Bill was, however, in the right direction.

Lord COLERIDGE said, that, though he should not oppose the second reading, being inclined almost at once to accept any measure proposed on the authority of his noble and learned Friend (Lord Bramwell), he must confess he did not desire, for several reasons, to see this Bill become law. No doubt, occasionally, trumpery cases of burglary and forgery were sent to the Assizes, and the persons guilty or not guilty of them might, on that account, be kept in prison a few weeks longer than they otherwise would be. Now, he would be the last person to wish to see anyone accused of a trivial offence, coming under those heads, remaining in prison for a long time awaiting trial; but they must legislate, as it appeared to him, upon the general reason of the thing, and the offences of burglary and forgery contained some of the very gravest cases which, short of capital ones, could come on for trial, and required the ablest tribunal which the country could afford. He was perfectly aware that the Bill gave the committing magistrate a discretionary power to say whether particular cases should be tried at the Assizes or at the Quarter Sessions; but it by no means necessarily appeared, on the first investigation before the magistrate, what would be the real character of the offence, when it came to be tried before the tribunal which ultimately was to dispose of it. This jurisdiction was proposed to be conferred on a body of men who were to be numbered by thousands, many of whom were doubtless as competent to try the cases as any of the Judges on the Bench; but many of whom, on the other hand—and he desired to speak with all respect—had not had the experience that would enable them to exercise this jurisdiction satisfactorily. It was true that his noble and learned Friend attached to the exercise of this discretion certain safeguards. The Public Prosecutor, for instance, might intervene, and remove a case from the Quarter Sessions if he thought fit. But who was to tell the Public Prosecutor whether the discretion was well or ill-exercised, or who was to put him in motion, and was it certain that he would be put in motion in cases in which he ought? This matter did not come before him for the first time. When the noble and learned Earl opposite (Earl Cairns) was Lord Chancellor, he was good enough to appoint a Committee to investigate the question of Circuit jurisdiction, and to see how the time of Circuits could be economized. He (Lord Coleridge) was Chairman of that Committee, and their Report was laid before both Houses of Parliament. Probably none of their Lordships had read that Report; but in it were to be found reasons, stated at some length and with some care, why, in substance, the present jurisdiction should not be interfered with. First of all, the relief which this measure, if fairly worked, would give to the Judges would be very slight. The actual time taken up in the trial of these trumpery cases was very small now. In the next place, he was by no means sure that it was an unwise thing that Judges should, in the face of the country, now and then, for a reasonable portion of their time, try cases not of the very first importance. And it was to be remembered that the business on Circuit was gradually lessening. He was happy to say that the business of the Queen's Bench Division, which had charge of the Circuits, was now coming within reasonable limits; the arrears were nothing, so that the argument for economizing the time of the Judges had lost its force. Further, he thought it unwise to deal with the question in this way. If it were desired to re-construct the whole system of the jurisdiction of the magistrates of Quarter Sessions upon a better, or, at any rate, another principle, that was one thing. But just to take away some cases which were now and then important, but which might be insignificant in themselves, from a tribunal where they were well tried, and where they did not now occupy any great length of time, and to transfer them to a tribunal which had not the same experience, was not the way to deal with the question. He would not trouble their Lordships to divide against the second reading; but he must say that, in the position which he filled, he did not desire to see the Bill proceed further.

THE MARQUESS OF SALISBURY said, that, before the Bill was read a second time, he would venture to say a word or two upon it. Speaking as one of the officials to whom the noble and learned Lord (Lord Bramwell) proposed, by the Bill, to hand over jurisdiction in certain cases of burglary and forgery, he must remark that the speech of the noble and learned Lord the Lord Chief Justice, in opposing it, was a remarkably Conservative speech to come from the Government side of the House. There was one thing to consider—they might be able to pass this small measure through Parliament, while a large measure would require a strong force to get it through. He (the Marquess of Salisbury) did not feel much enthusiasm for the measure; but, at the same time, he had no great sympathy with the objections of the noble and learned Lord, and failed to see that the points as to which it was said the Chairman of Quarter Sessions was inferior to a Judge had been clearly made out. The great weakness of the Chairman of Quarter Sessions was that he had not the legal training and experience of a Judge, and was, therefore, not equally well able to decide points of law; and, again, without a Judge's experience of Criminal Courts, a Chairman of Quarter Sessions had not the same capacity for deciding questions of evidence; but he (the Marquess of Salisbury) was not sure that in another and by no means unimportant particular, the apportionment of sentences, the inferiority was manifest. Indeed, having regard to the knowledge gained by the Judge and the Chairman respectively of the rural population and of the true character of the offences usually dealt with by the Quarter Sessions, he held that the latter was more likely to apportion penalties justly than the former, for he had more opportunity of gathering within the grasp of his mind the various considerations which should determine whether the felony he was trying should be regarded as a large or a small offence than had the Judge. In this respect, the Judge's legal superiority was of little or no consequence. He thought it very desirable, as the noble Lord (Lord Brabourne) had said, that intricate cases should not come before the Quarter Sessions; but the presiding magistrate might be trusted not to attempt the decision of questions of law, or the investigation of difficult evidence. In such cases he would probably see where the difficulty arose, and, in the event of a mistake, the Public Prosecutor would be able to correct it. As to cases of burglary—he was not so clear with regard to forgery—many difficult legal points were not likely to arise; and he, therefore, thought the Chairman of Quarter Sessions was as efficient to determine the amount of the penalty as the Judge. He felt convinced, however, that the majority of the cases contemplated by the Bill were such as might be properly dealt with at the Quarter Sessions.

LORD BRAMWELL, in reply, said his noble and learned Friend (Lord Coleridge) had stated several objections to the Bill; but there were no two crimes, with the exception of manslaughter, in which the degrees of guilt varied more widely than in burglary and forgery. There were, of course, cases of burglary which demanded the attention of the very best tribunal; but others were of the most trivial description, and might easily be disposed of at Quarter Sessions. For example, if, between 9 at night and 6 in the morning, a man opened a pantry window and stole a piece of meat, he committed burglary; and the lodger who, before 6 in the morning, walked away with another man's coat from a lodging-house, would be held to have broken out of the house and to be guilty of burglary. Neither of these acts, though both were criminal, constituted very grave or very dangerous crimes; but, as things were, they could not be sent to the Quarter Sessions. So as to forgery, the cases generally should be tried by the best tribunal; but there were some which were as trivial as were those of burglary, and could be better tried by the magistrates, as he proposed. He had once had before him a case in which a man was imprisoned for six months for forging an order for sixpennyworth of groceries. Could anyone give a reason why such cases should not be tried at Quarter Sessions, where, he believed, they would often be better tried and the sentences better apportioned than by the Superior Court? While he had no fear as to trusting these cases to the Quarter Sessions, he had no misgivings as to the way in which the magistrates would exercise their discretion of remitting difficult cases, both of burglary and forgery, to the Assizes. He claimed for the Bill that one of its results would be the more speedy trial of a large number of cases. In the next place, a great deal of time and expense would be saved to the prosecutors. It was true that the system of holding Assizes was altered, and that they were now held more often than was formerly the case; but the counties were fused, and witnesses and prosecutors frequently had to come from a distance, and were put to great inconvenience and expense. A man was not always willing to travel a long distance, say, from Cornwall to Exeter, in order to prosecute in a trivial case; and a prisoner, in such circumstances, might not be able to procure the attendance of witnesses as to character. Moreover, the time of the Judges would be saved to an appreciable extent, and this, which was important in the interests of the public, had also to be taken into consideration. He thought that, for these and various other reasons. they might safely trust to the discretion of the committing magistrates whether the cases should go to the Assizes or the Quarter Sessions; and, therefore, with the other safeguards it contained, he hoped that the Bill would be approved by the House.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

EGYPT (POLITICAL AFFAIRS)—THE COMBINED FLEET AT ALEXANDRIA.

QUESTION. OBSERVATIONS.

THE EARL OF RAVENSWORTH: My Lords, I rise for the purpose of putting a Question to my noble Friend the First Lord of the Admiralty, of which I have given Notice, as to the position of the combined Fleet in the harbour of Alexandria; and I do so because I think I shall not be accused of exaggeration if I describe that position as one of anxiety, if it be not critical. The Government have been—although I do not complain of them on that score—not unnaturally somewhat reticent on the subject, and whatever information has reached us from their lips has not on all occasions been strictly accurate. Only a very few days ago a Question was addressed to the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke) in "another place," and in his reply he stated that the earthworks, of which we have heard something, were not armed. Only the day before yesterday, however, he took occasion materially to correct that statement, because it appeared, I think, from his answer, that at the very time when he was replying to his first questioner in the House of Commons, the forts were in the course of being armed. But, although we have not got much information from Her Majesty's Ministers, the telegraph wires have not been at all silent on this subject; and I am bound to say that in the last day or two information of a disquieting character has reached us nearly every day. Now, my Lords, the harbour of Alexandria presents some peculiar features. The roadstead outside the entrance is open and exposed, especially in a north-west wind, when even ordinary steamers do not venture to go in, and the entrance to the harbour, as is well known, is narrow and not particularly deep. I believe I am right—and if I am wrong I shall, no doubt, be corrected—I believe I am right in saying that the extreme depth is 24 feet 8 inches. I need not remind your Lordships that no first-class iron-clad fighting ship of the present day could enter that harbour. I apprehend that those powerful vessels in the Mediterranean Fleet—the *Alexandra*, the *Inflexible*, the *Superb*, and the *Téméraire*—could not enter the harbour. I doubt even whether the *Monarch* could do so, unless she was lightened of her coals, and the only vessel of any size which can be of use would be the *Invincible*, which is at present inside the harbour. The harbour itself, as I understand it, is protected by a succession or chain of forts which crown the heights above the town, and lie in a sort of semi-circle; and the intervening spaces between the forts and the shore are occupied, in some cases, by very sumptuous residences, almost palaces. These are closely situated, in some instances, and a great number of them are occupied, not by Egyptian subjects at all, but by wealthy foreigners, Europeans, and others engaged in trade and other avocations; and I apprehend that in event—the untoward event—of the Fleet being compelled to reply to the fire of the forts, these residences would be in a very dangerous position, and would probably be destroyed. But there is more than this, for I have alluded to certain earthworks. When Her Majesty's Government decided not long ago on despatching the Fleet to Alexandria, I apprehend, and, indeed, it was said that one great motive was to overawe the mutinous soldiery and their commander by the presence of the Fleet. But it has not appeared to have had that effect, for the action of Her Majesty's Government was immediately responded to by a counter-demonstration—namely, the erection of earthworks, on which the soldiery have been employed for some days. No doubt some of these works were already armed; but they naturally attracted the notice of the British Admiral, and he at once telegraphed to Constantinople to protest against their construction.

THE EARL OF NORTHBROOK: No, no!

THE EARL OF RAVENSWORTH: I may, then, take it that the statement is not correct. But is it not true that a prompt and immediate message was sent from Constantinople to stop the construction of the works? That is true. An immediate and peremptory message came at once from the Sultan to stop the construction of the earthworks; and now comes a piece of information which is of a remarkable character, and I must call particular attention to it. We are informed that upon the receipt by the Khedive of the message of the Sultan, it was transmitted to Arabi Pasha, a council of officers was summoned, and the reply sent by Arabi is reported to be—

> "I have directed the construction of these works as a necessary step to calm the irritation and excitement created in the minds of the nation by the presence of the Fleets. They are necessary repairs only; but in obedience to my Sovereign's command, I will immediately order the suspension of these defensive works; but I expect the removal of the Fleets."

Now, the natural and only inference to be drawn from this is, that that readiness to suspend the works was conditional; and, if the conditions were not agreed to, no doubt the works will continue to be constructed. I do not think that is an unfair assumption; and I need not remind your Lordships that everybody knows perfectly well that Arabi Pasha is master of the situation. He has at his disposal the only armed force in Egypt at this moment, and it appears to me impossible for any statesman to say from day to day what steps he will take, or to what purpose, pacific or warlike, he will not apply those troops. I wish to put this Question to Her Majesty's Government, because I think I may fairly describe the position of our Fleet as an anxious and critical one. I have been exceedingly careful to abstain from mixing up political matters with the Question, which only relates to matters of fact, and those matters of fact ought to be well known to the Government, because they are patent to every human being in Alexandria. I do not ask these Questions for the purpose of embarrassing the Government in the slightest degree. It would be wrong, unfair, and unpatriotic to interfere with the Government in the conduct of difficult and delicate negotiations; but I think the English people are entitled to know at least as much of these affairs as the people of Alexandria. Therefore, it is in the hope that the Government may be able to give a satisfactory reply, which will do something to reassure the anxiety which exists, that I ask the following Questions —I wish to know, first of all, precisely where the Fleet is lying? Is it lying in the Old Harbour, or in that which is known as the New Harbour—a large space of water lying to the South-East of the Old Harbour, and which has been, during recent years, improved and deepened, and is now shown on the Admiralty Chart as the New Harbour? I would then like to know whether the old forts, which I call old in contradistinction to the new earthworks, are fully and effectually armed; and whether they command the whole of the harbour, including the new portion? Then, I would like also to ask whether it is true, as has been stated, that when the order from the Sultan arrived, and was conveyed to Arabi Pasha. it was too late, because the earthworks and their batteries were complete? Lastly, I should like to know whether the Government are in possession of information at this moment as to the situation and the power of the defences and fortifications of Alexandria, sufficient to enable the naval and military authorities of this country to judge whether, in the event of hostilities occurring, the position of the Fleet would be tenable?

THE EARL OF NORTHBROOK: My Lords, the noble Earl opposite (the Earl of Ravensworth) has asked me three or four Questions in one, regarding Her Majesty's Fleet at Alexandria, and in doing so has made one or two observations on which I may say a few words. In the first place, he refers to answers given by my hon. Friend the Under Secretary of State for Foreign Affairs in the House of Commons (Sir Charles W. Dilke), and he seems to challenge the accuracy of the answers given by him. At any rate, he so interprets his words as to challenge their accuracy. As no Notice has been given me on that subject, I am not prepared to go into the question; but, so far as I can understand the statement of the noble Earl, my hon. Friend answered one day a question of fact as it was on that day, and on another day answered in another way, simply because since he spoke the circumstances had changed. This is only another instance of what so often happens in consequence of Questions being put without Notice referring to what takes place in the other House, as to which it is impossible to give a complete answer in your Lordships' House. Then the noble Earl went into the question of the draught of water of Her Majesty's ships on the Mediterranean Station, and I may say on that point that two of them—the *Invincible* and the *Monarch*—are actually in the harbour of Alexandria, so that, at all events as to them, there is no question at all as to their being able to enter. But I must ask the noble Earl to allow me to say, with regard to the draught of water of the ships and the depth of the harbour, that it is obviously inconvenient to enter into such details. The noble Earl seems to feel some anxiety as to the safety of the Fleet, and he used the term that the Fleet was in an anxious if not a critical position. He then goes on to ask Questions with respect to the armament of the forts and the completion of the earthworks; and wants to know whether the Government are in possession of information to enable us to assure your Lordships of the safety of the Fleet. As to the details of the armament of the forts and the earthworks, I think the most satisfactory answer I can give is that without entering into further details, I am able to assure your Lordships that Her Majesty's Government have a sufficient knowledge of the fortifications of Alexandria and the position of the earthworks such as to cause us not to feel the slightest anxiety or apprehension with regard to the safety of the Fleet.

House adjourned at a quarter past
Five o'clock, till to-morrow,
a quarter past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 8*th June*, 1882.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Police [197]; Trusts (Scotland)* [198].

Second Reading—Corn Returns (No. 2) [193]; Married Women's Property [191].

Select Committee—Public Offices Site* [111], Sir Edward Reed *discharged*, Sir Arthur Otway *added;* Conveyancing and Settled Land* [121 and 120], *nominated.*

Committee—Prevention of Crime (Ireland) [157] —R.P. [*Seventh Night*].

Committee—Report—Interments (Felo de se) * [98].

Report—Tramways Provisional Orders (No. 3) * [151]; Pier and Harbour Provisional Orders * [142].

Third Reading—Tramways Provisional Orders * [141]; Tramways Provisional Orders (No. 2)* [149]; Judgments (Inferior Courts) * [44], and *passed.*

QUESTIONS.

THE CIVIL SERVICE—SUPERANNUATION.

Mr. W. H. SMITH asked the Financial Secretary to the Treasury, If the previous service of the Civil Service clerks who have been placed in the Lower Division, under the provisions of paragraph 12 of the Order in Council of the 12th February 1876, and who did not possess certificates, will not now count towards superannuation?

Mr. COURTNEY: Sir, the Treasury Minute presented on Tuesday contains a full answer to the Question of the right hon. Gentleman.

POST OFFICE—ADHESIVE STAMPS ON POST CARDS.

Mr. R. H. PAGET asked the Postmaster General, If he will consent to an amendment of the Post Office Regulations to enable cards of the size of the halfpenny post cards to be sent through the Post Office, with an adhesive halfpenny stamp affixed, on conditions similar to those now in force with regard to halfpenny post cards; and, further, if he can amend the Post Office Regulations so as to enable a similar card to be sent with a penny adhesive stamp as a Foreign Post Card, and also to enable a halfpenny post card to be sent as a Foreign Post Card, with the addition of a halfpenny adhesive stamp?

Mr. FAWCETT: Sir, the Question of the hon. Member has been carefully considered, but I am sorry to say that I do not think it would be expedient to adopt such a change as he suggests. If cards with letters written upon them were allowed to be sent through the post with adhesive postage stamps affixed to them, it would be necessary for the officers of the Department to examine such cards carefully, in order to satisfy themselves that the cards were of the proper size and substance, and this would involve much delay in sorting. As regards the latter part of the hon. Member's Question, what he asks for has been for some time allowed, as the public are permitted to send ordinary inland post cards to any country in the Postal Union if postage stamps are affixed to make up the requisite postage.

Mr. R. H. PAGET said, he regretted the unsatisfactory nature of the right hon. Gentleman's reply to the first part of his Question, and gave Notice that on a future occasion he would call the attention of the House to the subject.

THE LIBRARY OF THE FOUR COURTS, DUBLIN.

Mr. MARUM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to a report of the proceedings in the Bankruptcy Court in Dublin, on Wednesday the 24th of May, whereby it appears that the judges of that Court have been obliged to complain of the action of the Committee of the Law Library of the Four Courts in closing the same during the sitting of the Court of Bankruptcy, notwithstanding the reiterated remonstrances of the bar; whether he is aware that one of the judges stated that an important case had to be postponed,

> "At great inconvenience, delay, and expense to the parties, solely because, the Library being closed, the counsel were unable to procure the necessary books for law argument;"

and, whether he can take steps to remedy such delay in the administration of justice and great inconvenience to the public?

Mr. TREVELYAN: Sir, I have asked my right hon. and learned Friend the Attorney General for Ireland to deal with this Question, as it relates to a matter that does not come under my Department.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): Sir, the Law Library at the Four Courts, Dublin, is a private collection of books maintained by voluntary subscription by Judges and barristers, and managed by a committee elected by the subscribers. The committee provide for the closing of the library at the usual periods to afford some holiday to the attendants. One of the learned Judges of the Bankruptcy Court is reported to have stated that he was informed by the other learned Judge of that Court to the effect set out in the

Question of the hon. and learned Member; but I can hardly imagine that the eminent counsel practising in that Court could find any difficulty in taking their own books into Court if they required them for their arguments, or that any case should be postponed "to the delay and expense of the parties," because counsel had not brought his books into Court with him. The proper course, however, for the learned Judge, or any other person interested, is to bring the matter before the Library Committee.

VACCINATION — TRANSMISSION OF DISEASE THROUGH INOCULATION OF SOLDIERS IN THE FRENCH ARMY.

Mr. HOPWOOD asked the President of the Local Government Board, Whether he has deemed it right to inquire, through the Foreign Office, and with what result, of the French Government concerning the inoculation of a foul disease by vaccination in fifty-eight soldiers of the Fourth Zouaves in Algiers, during the month of December 1880, as reported in "Le Petit Colon," and the "Journal d'Hygiéne," of Paris, of June 30th and August 25th 1881, and by the French Correspondent of the "Daily News;" and, if not, whether he will be able in any other manner to obtain authentic information on a subject of such great interest?

Mr. DODSON: Sir, I have to say that in August last the Foreign Office were good enough, at my request, to cause a communication to be addressed to the French Government relative to the alleged inoculation of a foul disease by vaccination in certain soldiers of the 4th Zouaves in Algiers during December, 1880, and some months afterwards a reply was received by the English Embassy in Paris from the French Government on the subject. The information, however, was incomplete, and I have not since been furnished with further particulars. I have now directed another application to be addressed to the Foreign Office, and I hope that if the French Government have obtained any further information since the date of their former letter they will not object to supply it.

HIGH COURT OF JUSTICE (IRELAND)—VACANCIES ON THE IRISH BENCH.

Mr. GIBSON asked the Chief Secretary to the Lord Lieutenant of Ireland, When the Government intend to fill the vacancies caused in the Queen's Bench Division of the High Court of Justice in Ireland by the death of the late Mr. Justice O'Brien, and by the recent promotion of Mr. Justice Fitzgerald? He wished to ask, in addition, whether any appointments had already been made?

Mr. TREVELYAN: Sir, His Excellency the Lord Lieutenant is now in communication with the Prime Minister on the subject.

Mr. GIBSON: Sir, bearing in mind that one of these vacancies has been four months in existence, I shall ask on Monday whether the attention of the Government has been drawn to the fact that the Lord Chief Justice of Ireland stated on the first day of the term that in consequence of these vacancies no Divisional Court of Queen's Bench could sit for the present, and I shall repeat my Question.

EVICTIONS (IRELAND)—EVICTIONS AT DRUMLISH, CO. LONGFORD.

Mr. JUSTIN M'CARTHY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he can state the number of families evicted within the last two years in the parish of Drumlish, in the county of Longford, on the estates of Lord Granard, Colonel King Harman, Captain Douglas, Mr. Galbraith, and Mr. Crofton; and, whether the Government is aware that these evicted tenants were for the most part so poor that they had to live principally on relief meal during the late seasons of distress?

Mr. TREVELYAN: Sir, I am informed that there is no parish of Drumlish in the county Longford; but in the parishes about Drumlish in the last two years the number of families evicted on the estates in question has been 129. The local constabulary inform me that they do not believe that any of the evicted families were so poor as to be obliged to live principally on relief meal during the late seasons of distress.

Mr. JUSTIN M'CARTHY asked if the right hon. Gentleman could state if the rents on many of those estates were 40 per cent above the Government valuation?

Mr. TREVELYAN: I cannot answer that Question without Notice.

POST OFFICE—INSURANCE OF REGISTERED LETTERS.

MR. GREER asked the Postmaster General, Whether it is the case that the City of London Marine Insurance Corporation (Limited), and other Companies, insure the contents of registered letters at the rate of one shilling per £100 declared value; and, if so, whether he will consider the advisability of granting the public the same benefits as given by other Insurance Companies?

MR. FAWCETT: Sir, I believe that facilities for the insurance of the contents of registered letters are afforded by certain Companies at something like the rate which the hon. Member has mentioned. In reply to the latter part of the Question, I am not prepared at present to add the insurance of registered letters of declared value to the existing work of the Post Office.

CRIMINAL LAW (IRELAND)—CASE OF J. M. JOHNSON, EX-SUSPECT.

MR. CHARLES RUSSELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the case of J. M. Johnson, of Dundalk, ex-suspect, who was, on the 2nd of June instant, ordered by the magistrates in Petty Sessions at Dundalk, to find bail to keep the peace, and committed to prison for three months in default thereof; whether the magistrates acted upon the complaint of a police constable who alleged that while Johnson was, on the 14th May, engaged in photographing a hut in which a woman and her family lately evicted were living, the constable bade Johnson good day, to which Johnson made no reply; that Johnson then told the constable "to mind himself of the dynamite in the camera," and added—

> "That he heard that three landlords and a sub-inspector of police had been arrested for the Phœnix Park murders;"

whether any information or complaint was made by the constable till twelve days after the occurrence, namely the 26th May, when a warrant for his arrest was issued by the resident magistrate, under which Johnson was brought in custody before the magistrates on the same day; whether the case was adjourned for a week, Johnson being allowed bail by a majority of the bench (the resident magistrate dissenting); whether the Crown Solicitor, who attended to prosecute on behalf of the police, did so in consequence of any special instructions, or on account of the supposed gravity of the case; what offence Johnson is supposed to have committed, and under what statute the warrant was issued, the proceedings taken, or the order to find bail or for committal was made; and, whether the Lord Lieutenant approves of the course pursued by the magistrates or proposes to take any steps in reference thereto?

MR. TREVELYAN: Sir, the facts as set forth in the Questions of the hon. and learned Member are substantially correct, except that Johnson is charged with telling the constable to "beware of dynamite," without any reference to the camera. The Executive considered it proper that the Crown Solicitor should attend the hearing of the charge. This being a case in which an order has been pronounced by the magistrates, and which the party concerned may have reviewed in the Court of Queen's Bench, His Excellency does not consider that the matter is one in which he should interfere.

MR. CHARLES RUSSELL said, the right hon. Gentleman had not answered his Question, what was the offence Johnson had committed?

MR. TREVELYAN: That is precisely the Question I am not willing to answer, because the case can be brought to the Court of Queen's Bench and reviewed there.

MR. CHARLES RUSSELL gave Notice that on a future day he would ask the Chief Secretary for Ireland whether it was a rule of the Irish Executive, when a case was one which might be reviewed on an appeal to the Court of Queen's Bench, not to interfere when there was that right of appeal?

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. THOMAS EGAN.

MR. O'KELLY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether there is any special reason for the further detention of Mr. Thomas Egan, of Cloonalough, county Roscommon, who has been confined since 24th November 1881; and, if not, whether he will order Mr. Egan to be released?

MR. TREVELYAN: Sir, the only answer I can give the hon. Member is that His Excellency reconsidered Mr. Egan's case yesterday, and decided that he could not at present order his release.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. DENIS KELLY.

MR. O'KELLY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether there is any special reason for the further detention of Mr. Denis Kelly, P.L.G. Dysort, county Roscommon; and, if not, whether he will advise the Lord Lieutenant to order his discharge?

MR. TREVELYAN: Sir, His Excellency the Lord Lieutenant reconsidered Mr. Denis Kelly's case on the 6th instant, but found that the state of his district did not admit of his release at present.

INDIA—SIMLA ARMY COMMISSION.

MR. E. STANHOPE asked the Secretary of State for India, Whether, before a final decision is arrived at by him and his Council upon the recommendations of the Government of India as to the Report of the Simla Army Commission, he will lay upon the Table either a Copy of the Report or of the Recommendations of the Government of India?

THE MARQUESS OF HARTINGTON: Sir, I am afraid I cannot add much to the reply which I gave to the hon. Gentleman last February. Some of the recommendations of the Commissioners and of the Government of India have been adopted and carried into effect; and, therefore, so far as they are concerned, the Report cannot be laid on the Table before a final decision is arrived at. As to other very important recommendations, I am sorry to say that much difference of opinion exists among my advisers at home, civil and military, and the most careful consideration is necessary before coming to a final decision upon them. If the views of the Government of India are fully adopted, legislation will be necessary, and I will, of course, take care that the House has full information before it is asked to legislate. If, on the other hand, the recommendations of the Government of India are finally negatived or materially altered, it will also be necessary that the House should have the materials for forming a judgment on the policy of the Government, and some portions, at least, of the Report and of the Correspondence will be necessary for this purpose. But I cannot think it expedient that while some of the most important questions raised by the Report are still under consideration, any of these Papers should be presented to Parliament.

EDUCATION DEPARTMENT—SCIENCE AND ART DEPARTMENT—HALL OF SCIENCE, OLD STREET.

MR. P. A. TAYLOR asked the Vice President of the Council, Whether his attention has been called to a notice of Motion by the honourable Member for Harwich, which has appeared for many months upon the Notice paper, in which it is asserted that Dr. Aveling, Mrs. Besant, and the daughters of Mr. Charles Bradlaugh, are not proper persons to be employed in the work of instruction in connection with the Science and Art Department of Her Majesty's Government; and, whether he will cause inquiry to be made by the appointment of a Select Committee or otherwise as to the justice of the allegation?

MR. MUNDELLA: Sir, the Notice of Motion standing in the name of the hon. Member for Harwich (Sir Henry Tyler) has been on the Paper since August last, and, having regard to its personal character, I think that it ought before this to have been brought to an issue. I cannot, however, consider it of sufficient importance to demand investigation by a Select Committee of this House. There is really nothing to inquire into. The classes at the Hall of Science were admitted to grants by the late Government in 1879. The committee, the teachers, and the place of meeting were the same then as now. The Inspector reports the teaching to be efficient, and the classes to be properly conducted. I cannot see how persons can be refused the benefits of the Science and Art Department on account of their religious opinions, or how any Committee can inquire into such Questions.

EMIGRATION—THE "NEMESIS."

MR. MOORE asked the President of the Board of Trade, Whether his attention has been called to a paragraph in the evening paper of Monday 5th June, purporting to give an account of the sufferings of some emigrants on board the

English steamer "Nemesis," said to be chartered by the Netherlands Steamship Company, resulting in an outbreak of diarrhœa, dysentery, and measles, and causing the death of eighteen persons; and, how far his authority extends in such cases, and what steps he proposes to take, or what inquiries he will make?

MR. CHAMBERLAIN: Sir, my attention has been called to the statement referred to by the hon. Member concerning the steamer *Nemesis*. I have made careful inquiry, and I find that the steamer *Nemesis* is a British ship, chartered to the Royal Netherlands Steamship Company for the purpose of conveying passengers and cargo from ports in Europe to New York. I am informed by the owners, and find by the terms of the charter-party, that no responsibility whatever attaches to the owners for the food of and attendance on the passengers; and I learn from the agent of the Company that the surgeon, who was a military doctor, and all other persons, 17 in number, necessary to attend on the passengers, were engaged and provided by the Netherlands Company, and that before the *Nemesis* left Amsterdam the Netherlands officials had to be and were satisfied that the Netherlands law concerning emigrant ships had been complied with. I find from a telegram received from the Consul General at New York that 10 deaths occurred among the passengers, and that inquiry is about to be instituted by the Emigration Commissioners there; but no complaint had been lodged with the British Consul General. Under the circumstances stated, I have no authority to interfere or take any further steps in this matter.

MR. MOORE: Is the President of the Board of Trade aware that large numbers of persons are booked in London under the impression that they are to be carried direct from British Ports to America, and instead they are fraudulently taken to foreign ports and transhipped to a foreign line?

MR. CHAMBERLAIN: I am not aware of that. If the hon. Member gives Notice of the Question I shall cause inquiries to be made. That inquiry could have no connection with the present case, because I am informed that the emigrants of the *Nemesis* were principally Jews expelled from Russia, and going to New York.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—COLEMAN NAUGHTON.

MR. REDMOND asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that Columb Norton, the only prisoner from Arran Island, is still detained under the Coercion Act in Kilmainham Prison, at a long distance from his home; that he is unable to speak English and that there is no other prisoner in that prison who is able to speak Irish; and, whether he will now order his release?

MR. TREVELYAN: Sir, Coleman Naughton is the name of the person to whom this Question relates, and his case is at present under the Lord Lieutenant's consideration. The other persons arrested at the same time as Naughton, charged with the same offence, have not been released, as the hon. Member seems to think. Naughton was transferred to Kilmainham Gaol in February last, and there are warders in that prison who can speak Irish.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. JOHN KELLY.

MR. REDMOND asked the Chief Secretary to the Lord Lieutenant of Ireland, If there is any special reason for the further detention in Dundalk Prison of Mr. John Keely, in view of the fact that all other persons arrested in his locality have been released; and, whether he will now order his release?

MR. TREVELYAN: There was a John Kelly in Dundalk Prison, but he was released on the 3rd instant.

SOUTH AFRICA — ZULULAND — JOHN DUNN'S TERRITORY.

MR. RICHARD asked the Under Secretary of State for the Colonies, Whether extensive disaffection prevails in the territory of Mr. John Dunn, in Zululand; whether he can give any information as to the causes of such disaffection; and, whether that chief makes any report to the Government of Natal of his annual revenue and expenditure; and, if he does not, whether Her Majesty's Government are able to lay before the House any authentic information on this subject derived from other sources?

MR. EVELYN ASHLEY: Sir, I would somewhat demur to the word "extensive" in my hon. Friend's Question; but, at the same time, there undoubtedly is disaffection in John Dunn's territory. As to the cause, I have a reasonable suspicion that it is the desire of certain Chiefs within the territory to oust John Dunn and place themselves or some of their relatives in his place. Indeed, some half-brothers of Cetewayo have already been to Natal at the head of a deputation to ask for his restoration. As to the Question about John Dunn's budget, we have no authentic information about his revenue and expenditure, as his territory is not under the British Government.

Mr. GORST asked whether the hon. Gentleman would instruct the British Resident in Zululand to make inquiries as to John Dunn's expenditure?

Mr. EVELYN ASHLEY asked that Notice should be given of the Question; but he apprehended that the Government had no authority to interfere in the internal management of John Dunn's territory.

Mr. GORST said, he would put a Question upon the Paper upon the subject.

EVICTIONS (IRELAND).

Mr. ARTHUR O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he will be able to lay upon the Table a Statement showing how the 2,734 persons evicted in Ireland during the month of April (as shown in Return No. 199) are circumstanced; *i.e.* the number receiving temporary shelter in the neighbourhood of their late homes; the number of those who have emigrated; the number of those who have been forced to go to the workhouses; and the number of those who are altogether homeless and wandering?

Mr. TREVELYAN: Sir, I regret that I cannot give the hon. Member this Return. It could only be given approximately, and even to do that would be a work of considerable time and labour, and the time of the constabulary is at present fully occupied by their many important duties. I may say that I have directed a very important Return to be prepared of the number of tenants evicted in Ireland whose term of redemption is now running out, and have ordered it to be pressed forward with all possible despatch.

ARMY—FIELD DAYS IN HOT WEATHER.

Mr. ARTHUR O'CONNOR asked the Secretary of State for War, Whether, having regard to the number of deaths from heat-apoplexy reported from Aldershot last season at a Field-day held by the Duke of Cambridge, it is his intention to cause orders to be issued directing Regimental, Brigade, and Divisional Field-days to be held in the early morning during this summer in all the three kingdoms?

Mr. CHILDERS: Yes, Sir; by a Circular issued last year, all parades and field-days were ordered to be held in the early morning and evening while the hot weather continued. This will be repeated this year.

EGYPT (POLITICAL AFFAIRS)—THE ANGLO-FRENCH FLEET AT SUDA BAY.

Mr. TOTTENHAM asked the Secretary to the Admiralty, Whether it is the case (as stated in the "Times" of 5th instant) that the rendezvous of the English and French fleets at Suda Bay is forty-five hours' steaming from Alexandria, whereas the anchorages of the Island of Cyprus are only twenty-six hours distant; and, whether there are any considerable advantages or facilities, as to coaling, provisioning, water, or otherwise, connected with the position of Suda Bay which justify its selection in preference to those under the administration of one of the Combined Powers, and within a shorter distance from the point of observation?

Mr. CAMPBELL-BANNERMAN: Sir, the reason why the Mediterranean Squadron was sent to Suda Bay, in Crete, rather than to Famagousta, in Cyprus, was that the former affords a much more secure anchorage, and is more conveniently situated for the objects we had in view. It lies directly in the way between Corfu, from which the ships were moved, and Alexandria; whereas Cyprus is entirely out of the way.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MESSRS. E. J. AND M. J. BARRETT.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the fact that Mr. E. J. Barrett, postal telegraphist, of Craughwell, county Galway, has been confined in Galway Gaol for over twelve months, while another man from the same place, arrested on a similar charge, was released in March last, and if the Lord Lieutenant was aware of this when he re-considered Mr. Barrett's case; if he can state whether there is any reason for the continued detention of the brother of the above, Mr. M. J. Barrett, who is confined in Naas Gaol; and, whether he is aware that both brothers were the sole support of their aged parents?

MR. TREVELYAN: Sir, with regard to the case of Mr. E. J. Barrett, I beg to say that His Excellency reconsidered the case on the 3rd instant, when he decided that he could not at present order his release. Every case must be decided on its own merits, and must be considered by itself. There is no such person as M. J. Barrett in custody under the Protection Act. There is a Nicholas Barrett in custody in Naas Gaol. He is a brother of Edward Barrett, and his case is about to be reconsidered very shortly. I have not been informed whether these men were the sole support of their parents.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MARTIN MULLEAGUE.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, What decision has been come to in the case of Martin Mulleague, who has been confined for over twelve months in Kilmainham, and respecting whom the House was informed a few weeks ago that his case was under consideration?

MR. TREVELYAN: Sir, His Excellency has reconsidered this case, and has called for some further information in reference to the state of Martin Mulleague's district. He cannot finally determine on the case until he receives the further report.

POST OFFICE—THE IRISH MAILS.

MR. LEAMY asked the Postmaster General, If he is aware that a strong feeling exists in Ireland in favour of accelerating the Mails between London and Dublin, so as to allow of their despatch, at an earlier hour than at present, to the other cities and large towns of Ireland; whether any representations have been made to him on the subject; and, whether, as a new contract is about to be entered into for the carriage of the Mails between Holyhead and Dublin, the Government will endeavour to make arrangements for a speedier transmission of the Mails from England to Ireland viâ Holyhead, and thereby confer a great advantage on the traders of the two countries?

MR. FAWCETT: Sir, in reply to the hon. Member, I beg to state that several representations have been made to me in favour of accelerating the mails between London and Dublin and other cities and large towns in Ireland, and the suggestions received are being carefully examined. With reference to the last part of the hon. Member's Question, the subject of accelerating the mails from England to Ireland, *viâ* Holyhead, will not be lost sight of in considering the tenders for a new service, which have been called for.

EGYPT (POLITICAL AFFAIRS)—ARMING OF THE FORTS AT ALEXANDRIA.

MR. BOURKE asked the Under Secretary of State for Foreign Affairs, Whether he still adheres to the statement made by him on the 2nd of June tha "the earthworks in Alexandria Harbour were not yet armed in any way," or whether it is the fact that some time before the 2nd of June there were in those earthworks three 18-ton guns and twenty 64-pounder guns?

SIR CHARLES W. DILKE: Yes, Sir. I adhere to the statement which I made on the 2nd of June, and in reply to my right hon. Friend's second Question, I can inform him that it is not the fact. I may add that the Admiralty possessed sufficient knowledge of the fortifications at Alexandria not to entertain the slightest apprehensions.

INDIA (BENGAL)—MORTALITY IN GAOLS.

MR. O'DONNELL asked the Secretary of State for India, What punishments, if any, have been inflicted upon the authorities responsible for the excessive mortality in the gaols of Bengal, through deficient diet, during the year 1879 and part of the year 1880?

THE MARQUESS OF HARTINGTON: Sir, no punishment has been inflicted, so far as I am aware, upon anyone in respect of the great mortality in the gaols in Bengal in 1879-80. I have never denied that there was a very great mortality during the period referred to, not only in Bengal, but in other Provinces. At first it was believed by many persons, including the Lieutenant Governor and the Inspector General of Gaols of Bengal, that the increased mortality was mainly caused by the reduced scale of diet introduced in March, 1879. The question, however, is an exceedingly difficult one. It has been engaging the anxious attention of the authorities in India as well as in this country, and further inquiries show that it is far from clear that the reduced diet had anything to do with the increase which occurred in the rate of mortality; but, whatever may have been its effect, the reduction of the scale of diet was on the recommendation of a Committee, and was not the act of any individual official. The Government of India, having gone very fully into the subject, transmitted, in February last, their despatch upon it. They are of opinion that there are good grounds for the conclusion that the connection between the mortality and the reduced diet has been too hastily assumed, and that there is no reason to believe that it was because they were insufficiently fed that the prisoners anywhere died in excess numbers in 1879; and they attribute the rise in the deathrate mainly to influences affecting the general population of the country. They think that the reduced rate of diet may possibly be susceptible of improvement in detail, but that, when compared with the scales which have been found to answer well in English prisons, it cannot be considered deficient to such an extent as to have been, in any appreciable degree, a cause of mortality. If the hon. Member likes to move for the Correspondence, I shall have no objection to give it as an unopposed Return.

Mr. O'DONNELL asked whether, since there had been an improvement in the diet, the rate of mortality had not sunk; also, whether any punishment had been awarded for the excessive floggings inflicted on prisoners while they were under an almost starvation scale of diet?

The Marquess of HARTINGTON: I am happy to say that there has been a very great diminution in the rate of mortality, and certainly it has taken place since the alteration was made in the scale of diet. But, as I have said, the Government of India is not satisfied that the increased rate of mortality was caused by the reduced scale of diet. With regard to the punishment inflicted on prisoners, that has also been carefully inquired into, and orders have been issued on the subject.

Mr. O'DONNELL gave Notice that on going into Committee of Supply he would call attention to the flogging of 11,000 prisoners in the gaols of Bengal between the 1st of January, 1879, and the 31st of March, 1880, almost exclusively on charges of short work, although the scale of diet was admitted to be insufficient to support healthy life, and although many hundreds of prisoners died of starvation and starvation diseases; and that he would move that such flogging, under the circumstances, was brutal, inhuman, and criminal, and that the appointment to the Indian Council of Sir Ashley Eden, late Lieutenant Governor of Bengal, was a condonation of maladministration which was calculated to discredit good government in India. He also appealed to the noble Marquess to afford him any opportunity in his power for a thorough examination of that most serious question.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. DENIS CROSBIE.

Mr. REDMOND asked the Chief Secretary to the Lord Lieutenant of Ireland, If there is any special reason for the further detention, under the Coercion Act, of Mr. Denis Crosbie, in view of the fact that all the prisoners from his district, in the county of Wexford, who were arrested upon similar charges, and at the same time, have been released, and that the district is and has been entirely free from outrages of all kinds?

Mr. TREVELYAN: Sir, Mr. Denis Crosbie was released on the 6th instant.

POST OFFICE—AUXILIARY LETTER CARRIERS.

Mr. SCHREIBER asked the Financial Secretary to the Treasury, With reference to the claims of the letter carriers and auxiliary letter carriers of the United Kingdom, set forth in their Memorials to the Postmaster General more than twelve months since, whether he will now enable the Right honourable gentleman to terminate the long suspense of the Memorialists, as being productive of serious discontent in his department and of consequent injury to the interests of the Public Service?

MR. COURTNEY: As the hon. Member is aware, the matter of this Question has been for some time under deliberation, and the communications between the Treasury and the Postmaster General have now arrived at a point which, I believe, will lead to a speedy settlement.

STATE OF IRELAND — OUTRAGE AT RATHCOOLE.

LORD ARTHUR HILL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has received any information as to an attack reported (in the "Times" newspaper of the 4th June 1882) to have been made upon the house of a farmer named Timothy Lyons, at Rathcoole, near Kanturk, in which two soldiers were stationed on protection duty; and, whether any arrests have been made in connection with this outrage?

MR. TREVELYAN: Yes, Sir; I have received a report upon the case referred to in the Question of the noble Lord, which is to the effect that the house in question was attacked on the morning of the 5th instant. Two arrests have been made in connection with the matter.

PETROLEUM ACT (INDIA), 1881 — IMPORTATION OF EXPLOSIVE OILS FROM AMERICA.

MR. O'DONNELL asked the Secretary of State for India, Whether the cargoes of petroleum stopped for inflammability at Calcutta, but admitted, by special privilege, on receipt of information from the Home Government, were intended for the use of Government, or for sale to the people of India; who were the shippers of the said cargoes, and what representations were made on their behalf at the India Office; whether it is permissible in England to suspend the safeguards and prohibitions against the importation and sale of dangerous oils in England; and, whether the Government of India will grant compensation in case of loss of life or injury to person or property arising from the use of the inflammable petroleum landed at Calcutta by the special licence of the Indian authorities?

THE MARQUESS OF HARTINGTON: The hon. Member had probably placed the Question on the Paper before I had answered the Question of the hon. Member for Carlow (Mr. Macfarlane) on Tuesday. The cargoes of petroleum in question were not admitted into India, but are still under detention. They were for sale, not Government stores. The shippers were Messrs. Wallace Brothers and Messrs. Blackwood and Conor. I stated on Tuesday the nature of the representations they made at this office. The Legislature in India, as in England, can, of course, modify existing Petroleum Acts. If the Indian law is modified by the Legislature no question of compensation can arise.

MR. O'DONNELL asked whether the quantity of petroleum in question was not nearly 3,000,000 gallons, and whether the objection to landing it in India was not that according to the temperature of India it was, in its present state, explosable? He also asked if the noble Lord would give a pledge that none of the petroleum should be landed in an explosable condition?

THE MARQUESS OF HARTINGTON: Sir, I stated on Tuesday what I believed the quantity of the petroleum to be. No petroleum can be landed in India until the Act is modified, except under the conditions of the existing law. I have not received any additional information from the Government of India, but I have reason to believe that they have postponed legislation for a time, in consequence of representations made to them in India.

ARMY — COMMITTEE ON DRESS OF THE ARMY.

COLONEL BARNE asked the Secretary of State for War, When the Committee on the Dress of the Army is expected to make its report; and, whether, when made, it will be laid upon the Table of the House?

MR. CHILDERS: I find, Sir, that the Committee will report soon; but its business has been delayed by an accident to one of its Members. When I have read the Report I will consider whether it can be laid on the Table.

POST OFFICE — LETTER CARRIERS (BLACKHEATH AND GREENWICH).

Baron HENRY DE WORMS asked the Postmaster General, Whether it is not the fact that the established letter carriers in Woolwich originally entered the service as suburban letter carriers under the Metropolitan Suburban District, and that they have since been classed as Provincial Letter Carriers, with the effect that their clothing allowances have been reduced; whether their duties are not of the same nature as those of the letter carriers in Blackheath and Greenwich, who receive higher pay; whether, under these circumstances, steps will be taken for restoring to the Woolwich letter carriers the rights they enjoyed when they entered the service, and for placing them in the same position as regards emoluments as the Blackheath and Greenwich letter carriers; and, whether the Treasury have yet arrived at any decision on the question of the emoluments of the letter carriers generally?

Mr. FAWCETT: Sir, it is a fact that certain of the letter carriers at Woolwich originally entered the Service as suburban letter carriers in the Metropolitan district; that they are now classed as Provincial letter carriers, though on the same scale of wages as previously; and that a portion of their uniform used to be renewed somewhat more frequently than it is now. I will consider whether, as regards the men who entered the Service prior to the transfer of Woolwich to the Provincial district, the old arrangements for the supply of uniforms should not be reverted to. I do not consider that the circumstances would justify the adoption of an equally high rate of wages for the letter carriers at Woolwich as at Blackheath and Greenwich. The latter part of my hon. Friend's Question has already been answered by the Secretary to the Treasury.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — RELEASE OF PERSONS DETAINED UNDER THE ACT.

Mr. GIBSON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any persons confined under the Protection Act in Ireland, under the reasonable suspicion of being guilty of crimes other than intimidation, have been recently released; and, whether he will give the number of such cases, and the crimes with which such persons were charged, and the grounds on which their release was ordered?

Mr. TREVELYAN: Sir, in reply to the Question of the right hon. and learned Gentleman, I beg to say that 24 persons who had been in confinement under the Protection of Person and Property Act, under reasonable suspicion of being guilty of crimes other than intimidation, have been recently released. The right hon. and learned Member will be able to inform himself of the nature of these crimes if he will examine the list already presented to Parliament, together with that presented on the 5th of June, which will be in Members' hands in the course of a few days. In all these cases His Excellency, after careful inquiry and consideration, ordered the release of the parties, because he was satisfied that there was no longer any sufficient necessity for their detention.

Mr. GIBSON: Is it a fact that some of the persons so released were suspected of the crime of murder?

Mr. TREVELYAN: Sir, some of those persons were in prison on suspicion of inciting to murder; but the circumstances and the nature of that suspicion are obviously among the considerations which His Excellency has taken into account.

Mr. GIBSON: I do not think I could have conveyed my Question. I asked whether any of the persons so released were confined under suspicion of having committed murder?

Mr. HEALY: Before the right hon. Gentleman answers that Question, I beg to ask whether that suspicion was not merely the opinion of the right hon. Member for Bradford?

Mr. TREVELYAN: None of those persons, so far as I am aware, were confined under the suspicion of having committed murder.

Subsequently,

Mr. T. D. SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will consider the advisability of releasing from custody Mr. Joseph Fay, of Ballymore, county Westmeath, who has undergone more than six months' imprisonment on the ground of reasonable suspicion of inciting to non-payment of rent, and who is known to the clergy and people of Ballymore to be a man of orderly habits and good character; also, whether he will take into consideration the advisability of directing the release of Mr. Patrick Scally and Mr. Lawrence Daly, of Castletown, Geohagan, in the county of Westmeath, now imprisoned as suspects in Dundalk Gaol, on charges of intimidation, the truth of which they entirely deny, and their detention being the cause of great hardship and suffering to their families?

MR. TREVELYAN: His Excellency the Lord Lieutenant reconsidered Mr. Joseph Fay's case yesterday, but found that he could not at present order his release. His Excellency also reconsidered the cases of Messrs. Patrick Scally and Lawrence Daly yesterday, but found that they could not at present be released with safety to the peace of the district.

MR. BULWER asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether a suspect called Power from the neighbourhood of Tralee has been recently released from custody in Ireland by the Lord Lieutenant; with what offence was he charged; and, what was the reason for his release?

MR. TREVELYAN: Michael Power, of Tralee, was released from custody on the 18th of May by order of the Lord Lieutenant. The hon. and learned Member will find the particulars of the offence of which he was reasonably suspected in the Returns before the House. I think it is not convenient that in the case of this great number of "suspects" I should be asked to state to the House the nature of each offence. His Excellency carefully inquired into the case, and found that the state of the district now admitted of this man's release.

METROPOLIS—EPPING FOREST.

MR. LABOUCHERE asked the Secretary of State for the Home Department, Whether having regard to the fact that the Lord Mayor of London has received a baronetcy, and the Sheriffs of London and Middlesex knighthoods, in connection with the opening of Epping Forest, with the freeing of which they were absolutely unconnected, it is intended to reward, and, if so, in what manner, the brothers Wellingdale, the working men who initiated the agitation which resulted in the freeing of the forest, and who are now residing in its neighbourhood?

SIR WILLIAM HARCOURT: Sir, my hon. Friend seems to be under the impression that I am the dispenser of baronetcies and knighthoods. It may be a matter of interest to him to know that the bestowal of dignities of that character belongs to more important quarters. With regard to the man who is referred to in the Question, his real name was Willingale; he was an old man who played a very gallant part in vindicating lopping rights, and was deserving of all honour. Long ago he passed out of the reach of baronetcies, knighthoods, or any other rewards. But I am happy to say that I have had a note from the solicitor to the Corporation of London, who says that the Corporation gives a small annuity to the man's widow—a very proper thing.

MR. LABOUCHERE: Perhaps the right hon. and learned Gentleman will be good enough to tell me to whom I am to apply in case I wish for a baronetcy or any other reward.

IRELAND—KILLALOE DRAINAGE WORKS.

MR. ARTHUR O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can state the present condition of the drainage works at Killaloe, the number of men in daily employment, and the date at which the officials in charge expect the works to be completed?

MR. TREVELYAN: This is not a Question for the Irish Government. It should be addressed to the Secretary to the Treasury.

MR. COURTNEY: As this Question relates to the Board of Works, I beg to answer it on behalf of the Treasury. About three-fourths of the work at Killaloe sluices has been finished. Forty-six men on an average are employed there, which is as many as the nature of the works admit of. It is expected that the works will be completed in August next.

POOR LAW—THE BURNLEY BOARD OF GUARDIANS — ROMAN CATHOLIC CHILDREN.

MR. CALLAN asked the President of the Local Government Board, If his attention has been directed to a statement which appears in the "Weekly Register" of the 3rd instant, to the effect that—

> "At the last meeting of the Burnley Board of Guardians, the Rev. James Merrissey made application that the Catholic children should be allowed to attend the services in the Catholic church, instead of attending the services of the Church of England as at present. Mr. J. W. Hartly moved, 'That the application of the Rev. James Merrissey should be allowed, pointing out that the guardians stood in the position of parents to children, and, as such, ought to give them religious training, which would be afforded by the fathers and mothers.' Mr. Law, in seconding the motion, remarked that it was only common sense and fairness to grant the application, and that they ought not to refuse to Catholic children the religious training they would wish them to have. The Chairman pointed out that if any inconvenience arose from the granting of the application the guardians could rescind it, but the guardians, by a majority of sixteen to ten, refused the application, the result of which is that the Catholic children are obliged to attend the religious services and instructions of the Protestant Church;"

whether, in view of the foregoing circumstances, the Local Government Board will take the necessary steps to secure to the Catholic pauper children in the Burnley Workhouse the full and free exercise of their religion; and, whether, in view of the many and grave complaints that have been made of the religious intolerance of boards of guardians in England towards Catholic inmates of workhouses, it is the intention of Her Majesty's Government to introduce a Bill to give to the Local Government Board in England the same controlling power, in the matter of protecting the rights of conscience and providing for the religious requirements of paupers, as is exercised by the Local Government Board in Ireland?

Mr. DODSON: Sir, the Board have received no information whatever on this subject, and as the Notice only appeared to-day, I have had no time to ascertain the facts. I will, however, have the matter inquired into, as it is my wish to secure to the Roman Catholic children in the workhouse the full and free exercise of their religion.

IRELAND — PRISONERS UNDER THE STATUTE 34 EDWARD III. CAP. 1— MISS GLEESON.

Mr. J. C. LAWRANCE asked Mr. Attorney General for Ireland, Whether Miss Gleeson, a member of the Ladies Land League, was recently released from custody, having within the last few weeks been sentenced to three months' imprisonment in default of giving bail for good behaviour; whether this release was ordered by the Lord Lieutenant without such bail being given, and without any communication with the convicting magistrates; and, whether the conviction was legal and warranted by the facts; and, if so, what were the grounds for release?

Mr. TREVELYAN: Miss Gleeson has been set free by His Excellency the Lord Lieutenant in the exercise of the prerogative. It is not for me, Sir, to inquire reasons from His Excellency; but if I may do so with respect, I may express my conviction that sufficient reasons influenced him in the matter, and also that I have no doubt he communicated with the magistrates.

INSPECTORS OF FISHERIES.

Mr. BIRKBECK asked the Secretary of State for the Home Department, Whether the appointment of Inspector of Salmon Fisheries, lately held by Mr. Spencer Walpole, has yet been filled up; and, if not, whether he can now state what decision the Government have come to as regards the vacancy; and, further, whether, taking into consideration the great importance of our fisheries, they would appoint an Inspector of inland fisheries and two Inspectors of sea fisheries?

Sir WILLIAM HARCOURT: Sir, in answer to the Question of the hon. Member, I may say that it is not the intention of the Government to fill up the present vacancy on the same conditions as the former appointments. The Government fully recognize the importance of the subject, and the question of what is to be done both with inland and sea fisheries is still under consideration.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MR. CROSBIE AND MRS. QUINN.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, If the Lord Lieutenant has reconsidered the case of Mr. Crosbie, of Bannow, county Wexford; and, if, in reconsidering the case of Mr. Quinn, assistant secretary of the Land League, the Lord Lieutenant had before him the fact that the two secretaries of the Land League were released from prison, and that Mr. Quinn simply acted as an official with clerical duties in the office of the League?

MR. TREVELYAN: I must refer the hon. Member to the answer I gave in an earlier part of the day. This case must be considered separately.

MR. HEALY: I will repeat the Question again on Monday, and repeat it daily until I get an answer.

EGYPT (POLITICAL AFFAIRS).

MR. ASHMEAD-BARTLETT asked the Under Secretary of State for Foreign Affairs, Whether it is a fact that the British Government intend to press for a Conference against the opposition of the Porte; and, whether he will state the exact character of "the favourable replies" which he stated on Tuesday had been received from all the Great Powers?

SIR CHARLES W. DILKE: Sir, in reply to the first paragraph of the hon. Member's Question, I have nothing to add to the answer which I gave on Monday to the right hon. Gentleman on the Front Bench opposite, and in reply to his second Question, I can only state that he will learn the exact character of the replies received when the Papers appear.

MR. ASHMEAD-BARTLETT wished to know whether an Identic Note had been presented to the Porte by England and France, and whether the Sultan had offered to restore law and order and to support the Khedive; and whether, in consideration of the extreme injury to British interests which would accrue from the alienation of the great Mussulman Power, it was the intention of the Government to co-operate with the Porte?

SIR CHARLES W. DILKE: I decline to answer the argumentative portion of the hon. Member's Question, and with respect to the rest, there is no foundation, of which I am aware, for the rumour respecting the Identic Note.

MR. ASHMEAD-BARTLETT: Is the hon. Baronet able to state whether the Government are pressing this Conference, or whether they will await the result of Dervish Pasha's mission?

SIR CHARLES W. DILKE: Sir, I must decline to make any further reply. If the hon. Member likes, he can give Notice of his Question. I have nothing to add to what I said on Monday last. It was a very brief reply, but it was a real answer to that Question, and I can add nothing to it.

SIR H. DRUMMOND WOLFF: May I ask when the Papers will be laid on the Table?

SIR CHARLES W. DILKE: The printers promised the first portion of the Papers—up to the 5th of January—by to-morrow. The further Papers are being rapidly proceeded with in two sections, and I apprehend there will be no great delay in their presentation.

MR. BOURKE: The hon. Baronet said, I think, on a previous occasion, that he was in communication with the French Government; but I did not understand him to promise the later Papers at any particular time. Perhaps on Monday he will be able to give that information.

SIR CHARLES W. DILKE: I think I shall be able to answer that Question on Monday.

PREVENTION OF CRIME (IRELAND) BILL—CLAUSE 5—DEASY'S ACT.

MR. HEALY asked the First Lord of the Treasury, Whether the Government have drawn the fifth Clause of the Prevention of Crime (Ireland) Bill, subsection (b.), in order to prevent the exercise by the tenant of his existing right of redemption without the landlord's consent, in cases where the court issues a writ of restitution on payment of the rent and costs; if not, whether he is aware that the Clause, as it now stands, will infringe on the tenant's existing rights under Deasy's Act; and, can he state in what way this will tend to the prevention of crime in Ireland?

MR. GLADSTONE: This is a Question that might more properly be asked when the House reaches the 5th clause in Committee; but I can answer it briefly. So far as the intentions of the Government are concerned, they do not contemplate in any manner interfering with the rights giving security to the tenant, under what is known as Lord Deasy's Act, and they are quite prepared to introduce words, if this is thought necessary, to make this plain.

MR. HEALY asked when the Government would place on the Paper the Amendments they proposed to make on the Prevention of Crime Bill?

Mr. GLADSTONE: It is not the opinion of the Government that the clause, as it stands, interferes with the rights of tenants; and, therefore, they do not propose to move an Amendment unless this were shown in argument to be necessary.

PARLIAMENT — BUSINESS OF THE HOUSE — ENGLISH AND SCOTCH AGRICULTURAL MEASURES.

Mr. JAMES HOWARD asked the First Lord of the Treasury, Whether his attention has been drawn to recent expressions of opinion by Scotch and English agriculturists as to the pressing necessity of legislative remedial measures for the farming interest; and, whether, considering the small portion of the present or past Sessions which has been devoted to the discussion of English and Scotch agricultural topics, he will, in the event of the amendments to the Irish Bills now before the House not having been disposed of before Wednesday next, make arrangements for the Agricultural Tenants' Compensation Bill being taken on that day; and, if not on that day, whether the Government will give a future day for the purpose of discussing this and other Bills before the House of a like character?

Mr. CHAPLIN said, he wished to ask another Question before the right hon. Gentleman replied. He presumed that the Question of the hon. Member for Bedfordshire (Mr. J. Howard) related to the Bill which stood in his (Mr. Chaplin's) name, and was the First Order for Wednesday next. He was very grateful to the hon. Member for the interest he took in that Bill, more particularly as he did all he could to prevent its introduction. Important as the question was, he (Mr. Chaplin) should certainly not think of asking the Prime Minister, in the present position of public affairs—[" Order!"]——

Mr. JAMES HOWARD: Will the hon. Member permit me?—[" Order!"]

Mr. CHAPLIN, continuing, said that, having regard to the gravity of the situation in Ireland, he should not think of asking the Prime Minister to interpose before Irish Business was concluded. What he wished to ask the Prime Minister was, when the stages of the Prevention of Crime Bill were further advanced, whether the Government would consider this question with a view to saying whether they would be able to give a favourable reply, and whether they would be able to give some facilities for the discussion of a question of so much importance before the Session was concluded?

Mr. GLADSTONE, in reply, said, he did not see that the question of the hon. Member differed from that put on the Paper by the hon. Member for Bedfordshire; but he must give an answer on the subject which he was very unwilling to give. There was no doubt whatever as to the pressing necessity of legislation in the direction indicated by the Bill of the hon. Member (Mr. Chaplin). He admitted that in the strongest terms; but he was sorry to say he could give no pledge whatever in regard to any particular measure at the present moment other than those measures which were before the House, nor, indeed, could he give a pledge with regard to the whole of those measures; and until the House had been pleased to make large modifications in its methods of transacting Business, he felt that both this great and important subject, and many other subjects of possibly equal importance—at any rate of great importance—must remain in a position generally unsatisfactory to the country—a condition which it would be the object and desire of the Government to bring as soon as possible to a close.

Mr. CHAPLIN gave Notice that in consequence of the reply of the right hon. Gentleman, he would, after Committee on the Prevention of Crime Bill had concluded, repeat the Question.

IRISH LAND COMMISSION—LABOURERS' COTTAGES.

Lord JOHN MANNERS asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Land Commissioners had made any suggestions for improving the mode of enforcing their orders for the erection of cottages on farms the rents of which had been reduced by the Land Court; and, if so, whether the Government proposed to introduce a measure in accordance with those suggestions?

Mr. TREVELYAN: Sir, in reply to the Question of the noble Lord the Member for North Leicestershire, I beg to say that the Land Commissioners have offered suggestions for amending the law for enforcing orders made by them for the erection of labourers' cottages on all farms where judicial rents have been fixed and such orders made. I can promise that the suggestions shall receive careful attention; but I cannot as yet make any statement as to the precise intentions of the Government with respect to them.

NAVY—ACCIDENT ON BOARD H.M.S. "SWIFTSURE."

SIR JOHN HAY asked the Secretary to the Admiralty, Whether he has received any information with regard to the accident which occurred on board Her Majesty's ship "Swiftsure?"

MR. CAMPBELL - BANNERMAN: Sir, the Admiralty has received a report from the captain of Her Majesty's ship *Swiftsure* of the circumstances of the accident which occurred on board that ship while saluting the Portuguese flag at Madeira on the 31st ultimo. The breech-piece of a 25-pounder breech-loading gun was blown, when the gun was fired, across the deck, killing Charles James, gunner's mate, breaking the right arm of James W. Caroline, able seaman (afterwards amputated), and slightly injuring two other men. The inquiry which was held shows that the accident was entirely due to negligence on the part of the gunner's crew, and not to any defect in the gun itself. This negligence will, in due course, be dealt with by the Admiralty.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. THOMAS DUNLEAVY.

MR. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, If there is any reason for the further detention of Mr. Thomas Dunleavy, a suspect, in Galway Gaol, who has been imprisoned for eighteen months, and who belongs to Kilmonee, in the county of Mayo, a district free from disturbance and outrage?

MR. TREVELYAN: His Excellency the Lord Lieutenant reconsidered Mr. Thomas Dunleavy's case on the 30th of May, and decided that he could not at present order his release. The hon. and learned Member is in error in supposing that Mr. Dunleavy has been for 18 months in detention. He was arrested on the 23rd of November last, and has, therefore, been in custody for about six and a-half months.

NOTICES OF QUESTIONS.

EGYPT (POLITICAL AFFAIRS)—THE CONFERENCE.

SIR H. DRUMMOND WOLFF gave Notice that on Monday next he would ask the Prime Minister, Whether, in the event of the proposed Conference being held, the British Plenipotentiary would be directed to call the attention of the Conference to the non-fulfilment of certain stipulations in the Treaty of Berlin, especially those which provided for the introduction of reforms in Asiatic and European Turkey, the demolition of the Bulgarian fortresses, and the assumption of part of the Ottoman Debt by the States which formally formed part of the Turkish Empire?

MR. PULESTON gave Notice that on the same day he would ask the Prime Minister, Whether, at the proposed Conference, Her Majesty's Representative would be directed to call attention to the state of things in Tunis caused by the recent action of the French Government?

ORDERS OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[BILL 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 7th June.*]

[SEVENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART II.

OFFENCES AGAINST THIS ACT.

Clause 4 (Intimidation).

Amendment again proposed,

In page 3, to leave out lines 14 and 15, and insert "by acts or threats of violence, or injury to person or property, uses intimidation, or incites any other person to use intimidation."—(*Mr. Charles Russell.*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Clause."

SIR WILLIAM HARCOURT: It may be convenient to the Committee that

I should state that Her Majesty's Government have been very anxious to consider the suggestions which have been thrown out in reference to this clause in the course of the debate yesterday, and as to whether in any or in what respect we could make any amendment to the clause, so as to make it meet any objections which may appear to be well founded. The character of the difficulties raised by two hon. and learned Gentlemen—the hon. and learned Member for Christchurch (Mr. Horace Davey) and the hon. and learned Member for the Tower Hamlets (Mr. Bryce)—was this—that the latter part of the clause was too absolute in its terms, and that it applied to every act of the nature indicated, without giving an indication of any limitation whatever. I would venture to point out to my hon. and learned Friend the Member for the Tower Hamlets (Mr. Bryce) that that is not really the case, because the latter part of the clause is really only an interpretation of the word intimidation at the beginning of the clause, and that that word is introduced at the beginning of the clause in respect of the limitation of Sub-sections *a* and *b*—that is to say, that those acts will not be offences unless they are done with a view to certain things there mentioned, or in consequence of certain things there mentioned. As I said in answer to a question that was put to me, it is these acts by themselves that are made an offence, having relation to the surrounding circumstances, the intent with which they are done, and the object at which they aim. Now, that was always the intention of the clause. I believe that, interpreted by a lawyer, no other construction could be put upon the words of the clause. But we desire that this should be made perfectly clear, because the latter part of the clause, as has been properly said, is meant to be a declaration of the meaning of the clause, and would so be regarded by the magistrates who administer it, and the public who are to be governed by it. Therefore, that there should be no doubt whatever on that subject, we are willing to add certain words. I have stated that "intimidation" includes—and the suggestion of my hon. and learned Friend was that it was made to include —acts which might not, of themselves, be considered an offence. I perfectly understand what he meant by that; but I object to it, on the ground that it would be a negative declaration. You say it is not by itself to constitute intimidation; but you give no indication to anybody of what are to be the circumstances which are to make the act an offence. I propose to amend the clause by adding at the end a Proviso that the case is only to be regarded with respect to the surrounding circumstances, such as the condition of the district, and so forth. The Proviso I propose to add is as follows:—

> "Provided that the circumstances of the case show that such words are spoken, or acts done, with a view to or in consequence of the matters mentioned in Sub-sections *a* and *b* of this section."

That will indicate that the act is not to be regarded as an offence unless the surrounding circumstances show the intent with which it is done. It is to be regarded in reference to the circumstances of the case only; and it must be shown that the words were spoken, or the acts done, with a view to, and in consequence of, the matters mentioned in the sub-sections. That will make quite clear what I say is in effect the scope of the clause—that "intimidation" is governed by Sub-sections *a* and *b*, and that the interpretation of "intimidation" is also governed by Sub-sections *a* and *b*. Then, in addition to that, I am quite willing to accept an Amendment which stands on the Paper in the name of my hon. and learned Friend the Member for Southwark (Mr. Cohen), in page 3, line 26, after "done," insert "in order to, and" calculated to put any person in fear, &c. That would provide that the Court should be of opinion that the act was done with the intent to produce the result there defined. Therefore, it is quite proper that the words "in order to, and" should be added before the word "calculated." These words are entirely consistent with the intention of the clause; and if they serve to make the clause clearer it will be an advantage, although I am of opinion that the section, with the Proviso I have suggested, would make the matter sufficiently clear.

Mr. JOSEPH COWEN asked if the right hon. and learned Gentleman would read the words following, so as to show the exact position of the clause after the Amendment was adopted?

SIR WILLIAM HARCOURT said, he proposed to add the Proviso at the end of the clause.

MR. HEALY asked the right hon. and learned Gentleman to read the Proviso as it would stand in the Bill, if adopted.

SIR WILLIAM HARCOURT: I propose, at the end of Clause 4, to add these words—

"Provided the circumstances of the case show that such words were spoken, or acts done, with a view to or in consequence of the matters mentioned in Sub-sections *a* and *b* of this section."

MR JOSEPH COWEN: In point of fact, that they were done intentionally?

SIR WILLIAM HARCOURT: The words "in order to and" will be inserted before the word "calculated," in line 26 of the clause. That is a separate Amendment, proposed by my hon. and learned Friend the Member for Southwark (Mr. Cohen), but it is an Amendment which I propose to accept.

MR. GIBSON:

"In order to and calculated to put any person in fear of any injury or danger to himself," &c.?

SIR WILLIAM HARCOURT: Yes.

MR. PARNELL said, it appeared to him that the supposed concession of the right hon. and learned Gentleman was entirely illusory. Indeed, it made the clause almost worse than it was at present. If it was not surplusage, it certainly could only have the effect of making the clause worse.

SIR WILLIAM HARCOURT: I am quite willing to admit to the hon. Member that if he does not wish to accept this Amendment I am not anxious to press it. I believe that the clause, as it stands already, will meet all the circumstances of the case.

MR. PARNELL said, he was very glad to see that the view of the right hon. and learned Gentleman coincided with his own—that the addition he proposed to make to the clause was already contained in it. In point of fact, the right hon. and learned Gentleman proposed to repeat words in his Proviso which were already in Sub-section *a*. Sub-section *a* commenced in this way—

"With a view to cause any person or persons either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do."

The Proviso provided that the circumstances of the case should require that such word was spoken, or act done, with a view to, or in consequence of, the matters mentioned in Sub-sections *a* and *b* of this section. What in the world, then, was the object of this wonderful concession? If it was not intended to throw dust in the eyes of the Committee, he did not know with what intention it could possibly have been brought forward. With the utmost respect for the views of the hon. and learned Member for Dundalk (Mr. Charles Russell), who had proposed this Amendment, and also for those of his Colleagues with whom he was acting in regard to the Bill, he felt bound to give his own impression upon the matter, and he certainly considered that this Proviso would be mere surplusage. It left the clause in all its full mischief, and it did not alter the scope or effect of it in the slightest degree. It still left the tribunal which was to administer the operation of the Bill to be the judge of the intent and of the effect of it. He thought it was necessary that those who undertook the task of putting down combinations in Ireland should know what it was that they really did undertake. Last year they were told that the Government desired to put down crime and outrage and intimidation—according to the law that then existed and which existed now—resulting from combinations among tenants. But this year the Government told them that the result of the combinations among tenants in Ireland had been to produce crime and outrage; and, therefore, that they must now take power to put down the combinations themselves, because it was found by experience that if a certain combination was made, crime, outrage, and intimidation resulted from that combination. What was the attitude of the Government? They might cover it over as much as they liked, and the Home Secretary might pretend that he did not mean to put down combination; but the Committee knew what the results of the protestations of the Home Secretary and other Members of the Government last year had been. They knew perfectly well that if these undefined and vast powers were to be intrusted to the stipendiary magistrates throughout the country, all open combination would be forbidden, and it would be utterly impossible to carry on any open movement of any kind whatever in Ireland. The Home Secretary said the other day that the tendency of legislation had been to limit the right of combination among Trades Unions. He (Mr. Parnell) denied that altogether. He thought that everybody who had studied Trades Unionism knew that the Trades Unions had been engaged in very much the same sort of struggle as they were now engaged in in Ireland. As a result of this struggle, the Acts of 1871 and 1875 were passed; and those Acts expressly prevented the Law of Conspiracy from being applied to those combinations of workmen, and expressly defined the kind of intimidation and the acts of intimidation for which workmen might be punished if coercion were resorted to in connection with these combinations. The Irish farmers now were very much in the position of the English workmen 20 or 25 years ago, when they were struggling for alterations in the law, and when the Law of Conspiracy was being used to put down those combinations. He would repeat again what he said the other day in that House, that they were perfectly willing that the Government should define the offence of intimidation as regarded the Irish farmers, and all that the Irish Members asked was that it should be defined. They asked that it should be defined according to the Conspiracy Act of 1875, in which there were five distinct grounds of intimidation laid down. In this case the Government might lay down 40 if they liked to apply them to the Irish farmers; but they wanted to know what it was they could really do, and what they were not to do, and they objected to intrust the stipendiary magistrates with these undefined powers. It was perfectly absurd to suppose that the Lord Lieutenant would be able to control the action of the stipendiary magistrates. If he attempted to do so, the result would be that this legislation would be nugatory, and that it would be impossible for the magistrates to act. If he did not do so, the result would be that the magistrates, who were really representative of the landlord class—the class of ascendancy—would act against the people and their rights and privileges. In taking power thus to put an end to "Boycotting," they were practically taking power to put an end to every kind of open combination. The public were told that outrages and intimidation were so much mixed up with exclusive dealing that it was impossible to define what intimidation meant. Now, that he denied; and he said that it was perfectly possible for them to define what intimidation was, so that the tenant farmers and the labourers of Ireland should know whether they were standing within the law, and where the limit outside the law was. What the Home Secretary appeared to object to was the right of the people to combine so as to affect other people who were not parties to the combination; but if they denied that right to the people of Ireland, why did they not also deny it to the mechanics of England? Did the right hon. and learned Gentleman the Home Secretary mean to assert that the workmen of England could combine and could strike against an employer without affecting that employer, who was not a party to the combination? If the employer was not a party to the combination, he must be affected by the strike; and if, in the words of this Bill, he was placed in fear of any injury to or loss of his property, business, or means of living, then, according to the intentions of the Government, they were not treating the Irish tenant farmer and labourer as they were treating the English mechanic; but they were expressly depriving the Irish labourer of the power which the law admitted an English mechanic to be entitled to. They were told that intimidation was as Protean in its shape as it was impossible to define it. It was, however, defined in the Conspiracy Act of 1875. It was there defined, with five separate definitions, and this clause of the Bill was so cunningly devised by the Government, that it made it almost impossible to introduce any Amendment to it. They had taken the clause out of the Act of 1875, and then, having cut the Bill in two, they had turned it upside down and introduced the definition at the end.

Sir WILLIAM HARCOURT said, the hon. Member was in error. The Act of 1875 did not define what intimidation was. There were separate paragraphs dealing with particular offences; but intimidation itself was left without a definition.

Mr. PARNELL: Yes; but, practically, the paragraphs were taken as a definition of what intimidation was, and were clearly directed to the magistrates to guide them in the administration of the Act. What would have been the use of putting them in at all, if they were not to be read in the sense of a limitation as regarded the offence of intimidation? No doubt, it was cruel to deprive a person of the means of his existence. He admitted that. He did not wish to prevent the Government taking power to prevent a person, no matter what his station was, from being deprived of the means of his existence. But they did a great deal more in this clause. If, in any part of Ireland, attempts were made to prevent people from obtaining food, or clothes, or fuel, by all means treat it as intimidation, and put it down. But he disputed the expediency of preventing people from entering into a combination. They had a right to do that outside intimidation; and what he claimed was that the Government ought to alter their Law of Conspiracy, so as to make it as permissible for a tenant farmer to do a thing as it was for a workman to do that thing. They ought not to alter the Law of Intimidation in such a way as to make it practically impossible for a tenant farmer or a labourer to do anything at all, either with combination or without combination, in Ireland. The Government desired legislation to put a stop to any action in which crime and intimidation, as now known to the law, were the result. He was quite willing to assent to such legislation. But this clause went to the extent of rendering it penal for a workman to leave his employment. By-and-bye, if a magistrate chose to find that a workman, by leaving the employment of a farmer or a landlord, had given reason to that farmer or landlord to fear injury to or loss of his property, business, or his means of living, would be the result of that workman's act, he could hold the workman to be guilty of intimidation within the meaning of this clause, and send him to prison for six months with hard labour. If the tenant refused to pay his rent, either through inability or in consequence of the rent being an unjust rent, what would be the result? The magistrate might consider that the refusal of the tenant to pay his rent put the landlord in fear of injury to or loss of his property or means of living; therefore, the tenant might be convicted, in such a case, of intimidation, and sent to prison for six months with hard labour. He thought the Irish Representatives had an unanswerable claim to a definition on the part of the Government of what they meant by intimidation. They had waived the right of trial by jury as it existed in England in regard to the offence of intimidation. They had waived the right of trial by jury as long as the Government told them what they meant to prevent. The right hon. and learned Gentleman the Home Secretary had stated in general terms that he desired to prevent "Boycotting." He (Mr. Parnell) should be glad if the right hon. and learned Gentleman would give them a definition of "Boycotting," and of what he wished exactly to check as regarded the evil resulting from "Boycotting." But they had no such information. They had been told by the Chief Secretary to the Lord Lieutenant that what he wanted to check was outrage resulting from offences which were now to be called intimidation. The right hon. Gentleman, in his speech the other day in reply to the Amendment of the hon. and learned Member for Dundalk (Mr. Charles Russell), went over a great variety of offences which resulted from intimidation. He spoke of the posting of threatening notices, and the sending of threatening letters, and he stated that some tradesmen in a certain town had received threatening letters warning them not to supply a magistrate with bread. The right hon. Gentleman spoke also of the case of Mrs. Moroney, in connection with which a cruel and dreadful murder was committed in consequence of "Boycotting." In the case of Mrs. Moroney, it was true that the tradesmen of the town refused to deal with her, or supply her with food; but he understood that that was put a stop to, and very properly put a stop to, not by the action of Mr. Clifford Lloyd, but by the common sense of the people. Mrs. Moroney could now obtain food and clothing, if she was willing to pay cash for them, so that that was quite right. If the right hon. Gentleman wished to take power against any refusal on the part of a shopkeeper to supply food, clothing, or the necessaries of life to any person, where the person would suffer in consequence of not having those necessaries of life supplied to him, let him state that as an offence according to law, and they would know where they stood; but at present they had no definition of the kind. They had had definitions given in the speeches of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant; but no definition had been given by the right hon. and learned Gentleman the Home Secretary as to what he desired to put an end to in the name of "Boycotting." Until they could see their way to enabling the Irish farmer and labourer to combine, possibly in order to obtain an alteration of the law by Constitutional action, they must do their best to oppose the passage of this clause in its present shape.

The ATTORNEY GENERAL (Sir Henry James) said, there were one or two things which had fallen from the hon. Member for the City of Cork (Mr. Parnell) which it was necessary he should reply to. The first objection of the hon. Member to this clause was that it was drawn in accordance with the method employed in dealing with a similar class of offences in the Act of 1875, and in support of that view he said there was a definition of intimidation in the 7th section of that Act. Now, he submitted to the Committee that the hon. Member's view was entirely wrong. If the Committee would turn to the 1st sub-section of the 7th clause, they would see that there was a general provision against any person who used violence to or intimidated some other person, or his wife, or children, or did any injury to his property. But that clause was a separate and independent clause. ["No, no!"] He repeated that the clause was a separate and independent clause. [Mr. Parnell: Certainly not.] It had no connection with the clauses that followed after it, and hon. Members who thought differently would have an opportunity of stating their views afterwards. The words were not placed there as a definition of intimidation, because there were no words saying that the sub-section was to form a definition; but the sub-section was placed there in addition to the original words "using violence or intimidation." Now, under this 1st sub-section any person could be convicted according to the judgment of magistrates who had to determine a case of any kind of intimidation or violence, according to what that magistrate thought to be intimidation. [Mr. Healy: No.] He would not enter into any conflict with the hon. Member for Wexford (Mr. Healy). He did not think that the Committee would wish him to do so. If the hon. Member differed from him, the Committee, no doubt, would listen to his views; but in a legal matter of this kind he did not think that the personal views of the hon. Member for Wexford (Mr. Healy) would carry very much weight with them. The view which he (the Attorney General) had expressed was one which he thought any man who understood the constitution of an Act of Parliament would entertain. The Committee would see that this was to be a substantive offence, "using any violence or in any way intimidating;" but the intimidation was to be according to the view entertained by the tribunal, and if the tribunal found a case of intimidation established, then the person who committed it committed an offence, and could be dealt with under the Act. In the present case they were dealing with a particular class of offences, and they wished that people who were to be punished should have specific information, from day to day, that they were not to do certain things, and words were inserted, not by way of definition, but for the purpose of pointing to particular acts. Any person who prevented another person from obtaining food or clothing, or did injury to property owned by another person, or prevented a person dealing with another, would be guilty of intimidation. But it was not considered necessary to include such offences in a general definition, because they were to be regarded as specific offences. In this clause the Government had followed the words of the sub-section of the previous Act, as far as intimidation was concerned; and if it was thought that lines 25 to 29, which gave a definition of intimidation, should be struck out, let hon. Members strike them out. But it was thought that in order that there should be no doubt as to "Boycotting" coming within the words "uses intimidation," the Government thought it should be known that those words should include any of the acts specified in the sub-section from line 25, and that every person should be told plainly that it was the clear meaning and intention of the Legislature that intimidation included any word or act calculated to put any person in fear of injury to himself, or any member of his family, or to any person in his employment, or in fear of injury to or loss of property, business, or means of living. If the hon. Member for the City of Cork (Mr. Parnell) wished that to be left entirely open, he was sure the Committee would listen to his opinion; but he (the Attorney General) thought it would be wiser, in relation to the tribunal and the person subjected to it, that it should be clearly understood that such acts would come within the term "intimidation." In this the Government had followed the precedent of the Act of 1875. Hon. Members opposite must not suppose that his right hon. and learned Friend the Home Secretary was bound to follow the exact wording of the Act of 1875. The Government had now to deal with different circumstances and a different class of offences; and, although it was pointed out in the Act of 1875 that a particular class of offences would come within that Act, they were not dealing with precisely the same class of offences in the present Bill. In the Act of 1875 they had to deal with workmen's offences, with "rattening," and so forth; but they were acting to-day in the same spirit with regard to the particular offences which existed in Ireland at the present moment. The hon. Member for the City of Cork, and other hon. Members, said the words contained in the clause admitted a class of offences which ought not to be punished. The example given by the hon. Member for the City of Cork was that a workman leaving the service of his employer would be liable to be punished under this Act. He thought the hon. Member would consider that if a workman chose to leave his employment he had a free right to leave it; but if he and all the workmen employed with him chose to say to their employer—"We will not allow you to cultivate your land; we insist on leaving you, so that we shall prevent you from cultivating your farm or from paying your rent," what was that but intimidation? Their object was to prevent a combination of this kind, or a combination of persons refusing to deal with a particular shopkeeper, or of hotel-keepers refusing to serve food, or bakers and butchers in a town refusing to allow a person to obtain the necessaries of life. Such a combination as that he understood to be "Boycotting," and the object of the Government was to endeavour to prevent such a combination. In order to put it down effectually, they must deal with all the classes through which it ramified. He certainly could see no difference of principle between this case and that of a direct intimidation expressly rendered illegal under the Act of 1875. What they were dealing with was the evil of preventing a man from obtaining the necessaries of life, or being able to carry on his business. "Boycotting" a man might be to prevent him from obtaining the service of labourers in the conduct of his farm, and was of the same class of evil as they had to deal with in endeavouring to prevent a man from refusing to supply another with food and the necessaries of life. It had been said that, under this clause, if a person were to ask another to give up dealing at a particular shop and to go to another, or to say to a man, "I will never deal with you again," or "I will cease to deal with you because you have given a vote for a certain candidate," he would be liable under this Bill to be punished. Why, at this very moment a person who did that would, under an English Act, be liable to two years' imprisonment for doing it. If they would turn to the 4th clause of the Corrupt Practices Act of 1854, they would find that if such threat were used to inflict loss upon a man in consequence of giving a vote, or abstaining from giving a vote, the man who used the threat was liable to two years' imprisonment. And who had ever complained of the working of that clause? No one, that he knew of. No one asserted that any hardship was inflicted by the Statute. It was of no use to take extreme cases. Every case must be judged by the circumstances of the time at which it occurred. There were hard cases which would occur under the application of every Act, no matter how they might define the law. If they took every extreme case within the definition, they would be certain to find some case in which they would be able to say there was hardship; and if the Government left out all extreme cases of this nature, it would be impossible to carry out any measure for the repression of crime, under any circumstances. The fact was that they must look, not only at what might by possibility be done, but at what the result would be if intimidation, such as that to which he had referred, were left out of the Bill. He would not follow the matter any further than to say that in the clause they had endeavoured to follow the principle, if not words, of the Act of 1875, and he thought the Committee could not do better than accept the clause.

Mr. PARNELL said, he accepted the offer of the hon. and learned Gentleman the Attorney General (Sir Henry James), which would strike out the words of the clause from line 25 to line 29, giving the definition of intimidation. But he would invite him, in the process of assimilating the new Law of Intimidation in Ireland to that which existed in England and Ireland at present, to go a step further, and to alter the first portion of his clause, which was altogether differently constructed from the section of the English Act, and which, in fact, left the offence of intimidation entirely different in Ireland from what it was in England. The language of the English section was this—that every person who agreed to do the two things described in Sub-sections *a* and *b*, intimidated or used violence to such other person, or his wife, or children. Now, that required that there should be intimidation on the part of some person; but in the present Bill the words employed were, "uses intimidation, or incites any other person to use intimidation," without saying that it was to be the intimidation of any particular person.

The ATTORNEY GENERAL (Sir Henry James):

> "With a view to cause any person or persons either to do any act which such person or persons has or have a legal right to abstain from doing."

Mr. PARNELL: But not to "any person." He submitted to the common sense of the Committee that, if they gave up the right of applying to a jury in a case of intimidation in Ireland, surely it was sufficient to leave the Law of Intimidation in Ireland as it was now. The claim of the Government had always been that they had been unable to obtain convictions in these matters; but if it was left to them to get summary convictions before the tribunal established by this Bill, without the right of an appeal to a jury in cases of intimidation, surely the definition of the law that was sufficient to put a stop to intimidation in England or in Scotland, as regarded the operation of the Trades Unions, should be sufficient to enable the Government to put a stop to intimidation in Ireland. He did not want the hon. and learned Gentleman to imitate the words of the English Act. He had always admitted the force of the contention that the offences mentioned in Clauses 4 and 5 were not applicable to this case; but if the hon. and learned Gentleman maintained that in addition to the power given in the 1st sub-section of Section 7 of the Act of 1875—that was to say, a definition of intimidation—namely, using violence to and intimidating such other person—if he wanted anything in the definition to apply to some special offences which he wished to meet, then let him follow the example set in the Act of 1875, and let him put into the sub-section the offences he desired to deal with. If the hon. and learned Gentleman was willing to do that, he (Mr. Parnell) would raise no further objection; but the object of the Government appeared to be to carry this section without informing the Committee of their real reasons for doing it. They appeared to be anxious to obtain a wide and sweeping power enabling them to make use of this Bill in order to put down any combination, however Constitutional, at their own will and caprice, so that it should be utterly impossible for any person to take part in any movement of any kind with any hope that he would escape from the application of this section.

The ATTORNEY GENERAL (Sir Henry James) said, the hon. Member asked him to give in the sub-sections a definition of intimidation; but there would be very great difficulty in doing that.

Mr. PARNELL said, he did not exactly mean that. The hon. and learned Gentleman did not appear to understand his meaning. He accepted the definitions supplied by the Act of 1875 in the 1st sub-section, and what he said was, that if there were any other offences they wanted to meet, or any special practices they wanted to put a stop to, let them put them in a separate sub-section, as in the English Act.

The ATTORNEY GENERAL (Sir Henry James) said, that he quite understood the hon. Member; but what he wanted was quite impossible. They could not define what constituted intimidation. Suppose they were to say that it should be cruelty towards animals, how could they define what was cruelty towards animals? They used the term cruelty to animals, and it was very well understood; but it was impossible to define it. In the same way, in the Act of 1875, it was not attempted to define what was intimidation. It was impossible to attempt to define it in a sub-section of the present Act, and it was impossible for him now to accept the suggestion of the hon. Member for the City of Cork (Mr. Parnell), and strike out Sub-sections *a* and *b*. He did not understand that he had offered to strike out those sub-sections. When he referred to them, he was only endeavouring to convey, by way of argument, that if they were struck out it would be worse for the people who would come under the operation of the Act than if they were left in. He had not intended to make any promise that they would be struck out. If there was an impression, from what he had previously stated, that the Government would consent to strike out these sub-sections, it was an entirely mistaken impression. He had certainly not intended to convey that the Government would for one moment strike them out.

MR. GIBSON said, that everything that had occurred in the course of that evening showed the wisdom of the suggestion made last night by the Prime Minister, that they should get rid of the Amendment moved by the hon. and learned Member for Dundalk (Mr. Charles Russell) with the division then taken, and that they should start on a new subject to-day. He regretted that they had not disposed of that Amendment yesterday, and he hoped it would be disposed of as soon as possible, so that they might proceed in something like a business-like way to the discussion of the Amendments of the right hon. and learned Gentleman the Home Secretary. He had not taken any part in the discussion yesterday; but he had confined himself to a close and anxious consideration of the question, with a view of seeing whether any safeguards might be adopted, and he should certainly reserve his criticism until the substantial proposals were made. In reference to what the hon. Member for the City of Cork (Mr. Parnell) had said, he was unable to follow the argument of the hon. Member. He had listened to it with a great deal of attention, as he had also done yesterday, and he was certainly unable to follow the hon. Member's reasoning. Either the hon. Member for the City of Cork wished "Boycotting" to be put down, or he wished it to be kept up. It was absolutely impossible to "sit on a rail" in this case, and to say, at the same time, "Avoid 'Boycotting,'" when they were not prepared to define it, or to tell the Committee how they were to deal with it. When they came to deal with "Boycotting," it could only be dealt with by a real and vigorous clause. "Boycotting" was a terrible reality and appallingly vigorous in its operation. To ask the Government to deal with this terrible reality in a milk-and-water clause was rank nonsense and an insult to the understanding of the Committee. The way in which the Government proposed to deal with "Boycotting" was on the lines indicated by the hon. Member for the City of Cork himself in his first statement on the question. The hon. Member was now leaving the line he then took. When he first spoke on the matter, the hon. Member indicated that he would be satisfied if the crime of "Boycotting," which was essentially an Irish crime, generated in the recent agitation, were dealt with on the lines which were applied to England in the Acts of 1871 and 1875, with such alterations as were necessary to bring the law into harmony with the altered circumstances of Ireland.

MR. PARNELL: Will the right hon. and learned Gentleman repeat what I really did say?

MR. GIBSON said, he should be glad to be corrected if he had not represented the hon. Member properly, and he was ready to resume his seat and allow the hon. Member to correct him on the point. But he had heard the speech of the hon. Member referred to several times and read, and he had heard no qualification of it made. If he had quoted the words of the hon. Member incorrectly, he was prepared at once to resume his seat and allow the hon. Member to state what it was he really had said. But if that was the canon laid down by the hon. Member for the City of Cork, wherein did that clause, if it was to be a real clause, depart from it? As far as it went, it adhered to the lines of previous legislation, and only departed from those lines when it became necessary to grapple with new developments of crime, such as those which had been developed in Ireland during the last two years. It would not be fair to the magistrates—it would not be fair to those who were called on to administer the law, or those who were to obey the law, to leave them practically without guidance as to what intimidation was. Therefore, he thought it was not only wise, but absolutely necessary, that there should be some paragraph like the last paragraph in the clause. If the Committee consented to modify that paragraph, or to qualify it in a single essential word, the result would be to deprive the clause of a considerable portion of its utility. This fact was present, no doubt, in the mind of the Prime Minister in the course of his speech yesterday, and also in that of the Home Secretary, who pointed out that the object of the Government in introducing the measure was to inform the people clearly and distinctly what the law was, so that when it was passed there could be no doubt on the subject. It was also present to the mind of the right hon. Gentleman the Chief Secretary when he indicated that the closing words of the last paragraph were of vital importance, in order to tell the magistrates how they were to act, and the people what they were to obey. Under these circumstances, he thought they would all agree that the Amendment now before the Committee, and which had been moved by the hon. and learned Member for Dundalk (Mr. Charles Russell), was not in itself one that would commend itself to any substantial section of the Committee. Therefore, he (Mr. Gibson) ventured to throw out the suggestion that it would be wiser for the Committee now to pass away from that Amendment altogether. Although they had made no great apparent progress with the Bill yesterday, he did not mean to say that they had not made real progress, because the debate which took place was most valuable and instructive. But the discussion on this particular Amendment had been absolutely exhausted; and if any proof of that were wanting, it would be found in the circumstance that the hon. Member for the City of Cork (Mr. Parnell), with all his acuteness and ingenuity, had not uttered a single syllable in regard to it. He (Mr. Gibson), therefore, thought it would be wiser and more prudent at once to dispose of the Amendment, and then proceed to consider the suggestions which had been thrown out by the right hon. and learned Gentleman the Home Secretary.

Mr. LABOUCHERE said, he thought the Committee were getting into something of a muddle, and this was pretty clearly shown by the fact that the hon. and learned Attorney General, in the course of his speech, offered to withdraw the last paragraph of the clause, in answer to an appeal from the hon. Gentleman opposite (Mr. Parnell). But while he (Mr. Labouchere) understood the hon. and learned Gentleman to agree to withdraw that portion of the clause in the course of his speech, yet, at the end of his speech, he fell back upon the concession, and said he declined to withdraw it. Now, the Home Secretary had proposed an addition to the clause. That addition might be very useful; but he hardly thought the right hon. and learned Gentleman would say that it was any concession to the views of hon. Gentlemen opposite. The Committee were really in a position of considerable difficulty at the present moment. If his hon. and learned Friend the Member for Dundalk (Mr. Charles Russell) withdrew his Amendment, or took a vote upon it, they would not proceed to consider the clause *de novo;* but the words now objected to would have been ordered to stand part of the clause. That would be the difficulty the Committee would be in. He would suggest to the Prime Minister—solely from a desire to act in a conciliatory spirit—whether he would take this into consideration—that, in view of the muddle into which the Committee had got, and the divers suggestions which had been made, it was not desirable at present to pass over this clause—to go on with the other portions of the Bill, and subsequently to return to this clause. It had been stated by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), who, with his right hon. and learned Colleague, seemed to be the official exponent of the views of the Government in this matter—for, whenever a suggestion was made from the Liberal side of the House, or from the Irish Benches, for the reconsideration of the wording of the clause, up jumped one of these two right hon. and learned Gentlemen and said—"The Government are pledged to make no concession." It had been stated by the right hon. and learned Gentleman that upon this clause the Government could not by any possibility give way. Now, he (Mr. Labouchere) knew what the Government wanted and what hon. Gentlemen from Ireland wanted. They wanted a clause that would define what intimidation was, and that the Government should not use that vague word without a definition; because hon. Members representing Ireland knew very well what sort of persons these Resident Magistrates were, and they did not desire to place any discretionary power in their hands. Now, he would ask the Prime Minister if this Bill had not been met by the Irish Members in a very different spirit from that in which the Bill of last year was met? He had listened just now to the speech of his hon. Friend the Member for the City of Cork (Mr. Parnell). His hon. Friend made a very reasonable suggestion, which amounted to a large concession. His hon. Friend said—"Put into this Bill every single matter you find in the English Bill. And more—put in any definition you like as to what you think right to come within the term definition—beyond what you find in any English Bill." His hon. Friend said he was ready, to a certain extent, to accept the views of the Home Secretary, that the intimidation should be regarded not only as exclusive dealing, but as the system of sending a man to Coventry; and if anyone advised anyone else to do anything that would render it impossible for a person in the neighbourhood to live and pursue his calling, then the hon. Member said—"Put that into the Bill, and I am ready to accept it." He would ask the Prime Minister, who knew all these things as well as he did, why not accept this suggestion? Was it not a fact that in England this system of sending a man to Coventry existed just as much as in Ireland? Surely the Prime Minister knew that before the Ballot Act was passed it was the frequent habit of the voters in a neighbourhood—he would not say Conservatives more than Liberals, for they were just as bad on one side as on the other—to "Boycott" those who did not, but whom they wished to, vote. He knew of cases in which Liberal as well as Conservative voters had been told—"If you don't vote—the Ballot will not protect you—if you don't vote as we wish, then you had better take care of the consequences." In fact, it was almost unnecessary for him to enter into these cases. Every hon. Member knew perfectly well that this sort of Coventry did exist, and that it existed not in regard to electioneering matters, but in regard to Trades' Unions. He would ask hon. Members if it was not the case, if a man went into any shop in England who did not belong to a Trades' Union, and it was a Trades' Union shop, all the other persons employed there would not do the best they could to injure their employer's means of obtaining a livelihood, unless he consented to give that man up? ["No, no!"] The hon. Member for the City of London (Mr. Alderman Lawrence) seemed to pass his existence in saying "No, no!" Perhaps the hon. Member regarded this matter in the same light as he would regard some paltry and insignificant Bill which might be brought in for the abolition of the corrupt Corporation, of which he was a member. These things did exist, and he challenged the hon. Member to disprove them.

MR. ALDERMAN W. LAWRENCE rose to Order.

THE CHAIRMAN: I really must remind the Committee that we are not getting on with the Amendment.

MR. LABOUCHERE said, he thought that perhaps one of the reasons why they were not getting on so rapidly with the Amendment as they ought to do was that it still remained before the Committee. He would suggest to the Prime Minister that the Amendment should be withdrawn, and that it should be considered at a later stage of the Bill.

MR. GLADSTONE said, he did not think the Government had the power to withdraw the clause, for the purpose of postponing it until the end of the Bill. Whether it was expedient to place the clause where it now was, was another matter; but as the Committee had already entered on a discussion of the clause, and an Amendment had been moved, and the Mover of that Amendment—his hon. and learned Friend the Member for Dundalk (Mr. Charles Russell)—had distinctly stated yesterday, at the last hour, that he would not withdraw it, he did not see what course the Government could take in the matter.

MR. LABOUCHERE said, his hon. and learned Friend the Member for

Dundalk (Mr. Charles Russell) would be quite willing to withdraw his Amendment, on the understanding that the clause would be brought up afterwards.

Mr. GLADSTONE said, the hon. Member could not expect the Committee to accept from him a statement as to the intentions of the hon. and learned Member for Dundalk (Mr. Charles Russell).

Mr. LABOUCHERE said, the hon. and learned Member for Dundalk had authorized him to make the statement.

Mr. GLADSTONE thought it most unfortunate that his hon. and learned Friend the Member for Dundalk had moved an Amendment, the effect of which, if adopted, would be to give a Parliamentary sanction to the practice of "Boycotting." The Government were determined to deal with intimidation under a definition which would effectually put a stop to "Boycotting." The question had been fairly raised whether they were to have any legislation against "Boycotting" or not, and he could not see the force of the request made to the Committee to allow the Amendment to be withdrawn now, after it had been moved and discussed at very considerable length. At the same time, he would respectfully point out to the hon. Member for the City of Cork (Mr. Parnell), the hon. and learned Member for Dundalk (Mr. Charles Russell), and to all other hon. Members, that they were not pursuing a rational course in prolonging the debate on this Amendment. Was it too much to say that in a debate of this kind they were bound not only by general rules of courtesy, but of good sense, to make to each other, from their respective positions, such concessions as they could make without any sacrifice of their own views? On this principle, would it not be reasonable that they should dispose of this question at once? It was not a question of giving sanction to the clause, but to a very few of the first words of the clause. All that would be affirmed by the rejection of the Amendment was, that the words "wrongfully and without legal authority uses intimidation" should stand part of the clause.

The CHAIRMAN: The Amendment also includes the words "or incites any other person to use intimidation."

Mr. GLADSTONE asked if it was not correct to state that the only effect of rejecting the Amendment would be to declare that these words should stand part of the clause.

The CHAIRMAN: Yes; that is so.

Mr. GLADSTONE said, he had not heard from the hon. Member for the City of Cork (Mr. Parnell) any declaration that these words were objected to. What the hon. Member desired to get at was the definition contained in the subsequent part of the clause. Without reference to Party or extreme views, they must all feel that the question was one of great and serious difficulty. The Government were determined to legislate against "Boycotting." It was their first duty to see that that legislation should be efficient and effective; but they were extremely anxious not to carry legislation beyond what was necessary for the purpose. The hon. Member for the City of Cork told them that the clause, as proposed, was a clause forbidding the people of Ireland to combine; that, in point of fact, it would make it impossible for the people of Ireland to combine, or to obtain by Constitutional means any changes in the law. That was not part of the intention of the Government. It was no part of their desire to legislate in such a manner that the clause would have that effect; and the Bill would not interfere in any way with such combinations. The only mode of testing their propositions was to come to a discussion of them point by point; and, so far, they had been passing hours, and even days, upon the preliminary question, whether there should be any interference at all with "Boycotting." That was the question now raised, and all he said was, let them dispose of that question at once, and then proceed to deal with the great practical issues before them.

Mr. PARNELL said, the advantage of the withdrawal of the Amendment of the hon. and learned Member for Dundalk (Mr. Charles Russell) had, he thought, been very clearly stated by the Prime Minister, who had pointed out to the Committee that if they divided on that Amendment and accepted it, they might sanction the principle of "Boycotting." He (Mr. Parnell) did not think that that was quite so, because a division would not be taken on the words of his hon. and learned Friend, but on the question of leaving in the objectionable words which at present stood in the

Bill; and the fact that those words were included in the Bill would make the measure a departure from the legislation of 1875. That was one of the chief objects of his objection. He did not see why they should say in this Bill—"Every person who uses intimidation," while in the English Act they only said—"uses violence to or intimidates such other person." Clearly, the power given by this clause was very much wider than the power given by the Act of 1875, and that was one reason why he regarded the clause as objectionable. If the Amendment of his hon. and learned Friend the Member for Dundalk (Mr. Charles Russell) were withdrawn, or if the Government would agree to support that Amendment as far as concerned the leaving out of the objectionable words which his hon. and learned Friend proposed to leave out, the Committee would then be free to consider the subsequent portion of the clause in the spirit indicated by the Prime Minister. But, with these words in it—words which practically made the clause operate so widely and vaguely, that they considered it almost impossible to limit it—it would be impossible for them to approach the further discussion of the clause with a view to its limitation in any satisfactory manner. He thought that he made a reasonable request to the Prime Minister, and that he asked him a fair question, when he asked him whether, if the hon. and learned Member for Dundalk withdrew his Amendment, the Government would postpone the clause? He took it that if the Committee permitted the withdrawal of the Amendment, the postponement of the clause would then be possible. It was a fair question, then, to ask the Prime Minister whether, in the event of the withdrawal of the Amendment, he would postpone the clause so that it might be further considered by the Government, and by those who opposed it? He could not conceive what possible object could be served by going on with the discussion in the present state of entanglement into which the matter had got. He hoped the right hon. Gentleman would not submit to the dictation of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), as he had done on a former occasion, when the Attorney General was compelled to withdraw a concession he had made to the Irish Members, in pursuance of that dictation.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he hoped the Committee would allow him to put himself right in this matter. He had followed the dictation of no one. He quite admitted that in endeavouring to convey his meaning to the Committee, he had used words which might have been regarded as a withdrawal of part of the clause; but that had not been his intention. He knew that the feeling of his Colleagues was to retain that latter portion of the clause, and he had never intended to give it up. While he regretted that any misapprehension should have arisen, he could assure the hon. Member for the City of Cork (Mr. Parnell) that he had never the slightest intention of making such a proposition.

LORD EDMOND FITZMAURICE said, he wished to put a question to the hon. Member for the City of Cork, which he thought might somewhat elucidate the discussion. He had not been quite able to follow what the particular words were which the hon. Member for the City of Cork proposed to move. There was a certain amount of ambiguity in the matter, which he wanted to clear up. The words that were really now under consideration, as was pointed out both by the Attorney General (Sir Henry James) and by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), were—

> "Wrongfully, and without legal authority, uses intimidation, or incites any other person to use intimidation."

Was the hon. Member alluding to these words, or was he alluding to the words of definition at the end of the clause, which, as had been pointed out by the Prime Minister, were not now under discussion, and would have to be considered subsequently? He asked this question for this reason—that if the hon. Member alluded to the words at the beginning of the clause, he could quite reconcile what the hon. Member said just now with what had fallen from him in a previous speech. He hoped that he was not misrepresenting the hon. Member. He understood the hon. Member to say that he accepted what he believed to have been an offer made by the Government; but in regard to which he appeared to have been mistaken—namely, the supposed offer on the part of the Attorney General (Sir Henry James) to give up the words defining intimidation. But if the hon. Member was willing to accept the offer, real or supposed, of the Attorney General, there was no reason at all why he should object to the proposition which had been made by the Prime Minister, that the Committee should determine, one way or another, the Amendment of the hon. and learned Member for Dundalk (Mr. Charles Russell), and then proceed to consider, at the proper time, when they arrived at the last sub-section of the clause, if there was to be any definition at all, and, if so, what that definition was to be? He also wished to ask the hon. Member for the City of Cork this question. Was he correctly understood to say just now that if the offer of the Attorney General were carried out, that the words relating to intimidation should be abandoned, he was willing to follow the wording of the English Act, leaving the definition of intimidation entirely open, and to add words like those in the sub-section of the English Act, specifically aimed at "Boycotting?"

Mr. PARNELL said, the noble Lord had correctly stated the first portion of his remarks; but with regard to the later portion, what he had intended to convey was, that a proposal should be made by the Attorney General (Sir Henry James) showing what he was willing to accept. He had also asked the hon. and learned Gentleman to make his clause proceed in the same way as the English clause, adopting the words in the English Act, Sub-section 1 of Section 7, which left the definition of intimidation open, and inserting, in addition, such other offences as he wished to guard against. Of course, he did not pledge himself definitely, until he saw the offences that the Attorney General wished to guard against, as to whether they should oppose their insertion in this Bill; but it would put the matter into a clearer and more distinct shape to define those offences as they were in the English Act of 1875.

Mr. GLADSTONE said, that the remarks which had fallen from the hon. Member for the City of Cork showed how reasonable and necessary it was that they should proceed to dispose of the clause. The objection which the Government entertained to the Amendment of the hon. and learned Member for Dundalk (Mr. Charles Russell) was not so much on account of what he struck out as on account of what he introduced. But the hon. Member for the City of Cork (Mr. Parnell) proposed to replace in the Bill the words—"Uses intimidation, or incites any other person to use intimidation." Both sides of the House were then agreed on the retention of these words, whatever else was to be done, and, that being so, was it not better to dispose of this point? There would then be time for the hon. Member for the City of Cork to state his arguments in support of the point raised by him.

Mr. BULWER said, he did not rise for the purpose of prolonging the discussion; but having listened to the speech of the Attorney General (Sir Henry James), he was bound to say he did not understand the hon. and learned Gentleman to withdraw any single portion of the clause. On the contrary, he understood his hon. and learned Friend to put, by way of illustration, the supposition that a portion of the clause was withdrawn, and then to argue upon that assumption. In justice to the hon. and learned Gentleman, he thought it necessary to make these observations.

Mr. O'CONNOR POWER said, that he had not uttered one word upon this subject of "Boycotting" since the House went into Committee, and he would have remained silent had it not been that he entertained a hope of making one or two observations to the Committee which might be useful. He had noticed with pleasure that his hon. Friend the Member for the City of Cork objected to this clause on very different grounds from those on which it was objected to by the hon. Member for Tipperary (Mr. Dillon). When the hon. Member for the City of Cork said he was anxious that the words of this clause might be so carefully expressed as not to interfere with legitimate combination on the part of Irish tenants, he (Mr. O'Connor Power) heartily agreed with him. But he had said, in the course of the debate on going into Committee, that he also agreed heartily with the wish of Her Majesty's Government to put down "Boycotting." He now desired to state that he was opposed to the modified "Boycotting" sketched out to the House by the hon. Member for

Tipperary, because he absolutely denied to any political or trade organization, whether English or Irish, the right to inflict penalties on individuals for doing, or abstaining from doing, that which they had a right to do. He need hardly say that he attached the fullest credit to the disclaimer of the hon. Member for Tipperary in reference to the extreme length to which the practice of "Boycotting" had been carried on in Ireland. But he was at a loss to understand how the logical mind of the hon. Member could not see the difficulty of drawing the line when once a principle of that destructive character was laid down. If it were determined that a man should be cut off from his fellow-creatures, and that these were to shut their doors against him, and have no dealings with him of any kind—and although, at the same time, it was said that all this was done without doing injury or violence to him—he (Mr. O'Connor Power) contended that it was the most cruel, and, in a negative sense, the most distressing violence which any body of men, or any community, could exercise against one whom they might call an erring brother. Although he had stated, on the Motion for going into Committee, that he heartily sympathized with the Government in their endeavour to put down "Boycotting," he felt at the time that the definition in the clause was too wide even for the purpose of carrying out the object of the clause itself. That being so, he agreed with the Prime Minister that the time had arrived for disposing of the Amendment of the hon. and learned Member for Dundalk (Mr. Charles Russell). He would not say that if he thought the disposal of that Amendment would in any way interfere with the right to amend the sub-section in the direction suggested by the hon. Member for the City of Cork. He thought his hon. Friend, who had considerable skill in framing Amendments in Committee and otherwise, would, with the aid of those Gentlemen who sat around him, be able to frame a modification of the clause which would guard against interference with the right of legitimate combination, and if that were so he should be happy to support him.

MR. T. P. O'CONNOR said, the right hon. Gentleman the Prime Minister had altogether misrepresented the views of the hon. Member for the City of Cork. His hon. Friend had never consented to the retention of the words "uses intimidation;" on the contrary, he absolutely declined to pledge himself to those words; and, so far from the statement of the Prime Minister being correct, his hon. Friend had proposed words of a very different and opposite description. The hon. and learned Member for Dundalk said, in effect, he would not allow the words "uses intimidation" to stand part of the clause; and it was plain that if they were to allow those general words to remain, Irish Members would be pledging themselves to them without any definition. It appeared to him that the right hon. Gentleman the Prime Minister and his Colleagues had not made up their minds about the clause; and his suggestion was that the Secretary of State for the Home Department should spend a little more time in endeavouring to do so. He was aware that the right hon. and learned Gentleman had taken up the position of standing upon every word in the Bill; but he could assure him that, so far as hon. Members on those Benches were concerned, they were determined not to allow one syllable of the clause to pass until they were assured that it would not interfere with legitimate combination amongst Irishmen.

MR. PARNELL said, he rose to ask a question on a point of Order, which might, perhaps, facilitate the Business of the Committee. In the event of the Amendment before the Committee being negatived, could he move to add, after the word "intimidation," the words "to any person?"

THE CHAIRMAN said, the hon. Member would be quite in Order in moving the addition of those words after the second word "intimidation," in line 15.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 266; Noes 45: Majority 221.—(Div. List, No. 117.)

MR. PARNELL said, the Amendment on which he had just asked the ruling of the Chairman would have the effect of making the commencement of this clause, as far as it could be made, similar to the 7th section of the Conspiracy Act of 1875. He presumed the

Government would not object to the addition of the words which he begged to move.

Amendment proposed, in page 3, line 15, after the word "intimidation," to insert the words "to any person."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, he did not quite understand the purpose for which this Amendment was proposed, nor had the hon. Member who moved it been very explanatory with regard to it. Did the Amendment mean to say that intimidation must necessarily take place against individuals? Because, if that were so, Her Majesty's Government were unable to agree to that limitation. There was, he need not remind the Committee, both general and particular intimidation. It went under many forms; and, without an act of intimidation towards any single person, a whole village might be intimidated. In short, intimidation was so Protean in its character that it must be dealt with by the most general words, and it was in view of that that the general words "using intimidation" were employed.

Mr. CARBUTT: I wish, Sir, to ask the Government if there is any truth in the bad news which has arrived from Ireland?

The CHAIRMAN: Unless the question is one of extreme urgency, it is not one which can now be put.

Mr. CARBUTT: I considered it would be a question of extreme urgency. The rumour is that Mr. Bourke——

Mr. T. P. O'CONNOR: I rise to Order. Is the hon. Member in Order in referring to any matter which cannot properly come under the consideration of the Committee?

The CHAIRMAN: I must point out to the hon. Member that this is the stage of Committee on a Bill.

Mr. PARNELL said, in answer to the observations of the Home Secretary, he did not quite understand the meaning which the right hon. and learned Gentleman himself attached to the Amendment before the Committee. The meaning which he (Mr. Parnell) attached to it was that it must be shown that intimidation had been used against some person. The right hon. and learned Gentleman might wish to put in some limitation; but it seemed to him that, as the Amendment stood, its meaning was perfectly obvious. Irish Members said that in the English Conspiracy Act it was necessary to show that some person had been intimidated; and they contended that that condition should be in this Bill also. That was the point which he urged upon the right hon. Gentleman. Of course, the Amendment would not interfere with the application of the Bill to the case referred to by the Home Secretary of a whole village being intimidated.

Sir WILLIAM HARCOURT asked if the Amendment meant that it should be necessary to prove that some person had been intimidated? Her Majesty's Government could not agree to that, as he had before said in the most distinct manner. He repeated that if you carried intimidation far enough you could prevent the proof of it—it could be carried against a man so far that he dare not say he had been intimidated. In point of fact, by requiring proof you gave licence to intimidation; and this was one of the greatest difficulties they had to contend with; because, as he had already stated, the Act of 1875 applied to Ireland as well as England; and, as it contained the words moved by the hon. Member for the City of Cork, they could see how far it was useful in restraining "Boycotting." The fact was, it had completely failed in that respect; and if the proposed limitation of the clause were permitted the object of this Bill would be defeated also. The act of intimidation prevented proof of its effect. If a man went out with a loaded pistol, and said to another—"If you don't do so and so, I'll blow your brains out," in such a case as that clearly it ought not to be necessary to call upon a man to prove that he had been intimidated.

Mr. JESSE COLLINGS asked if a person who denounced landlordism at a meeting would come under the operation of the clause?

Sir WILLIAM HARCOURT: Clearly not.

Mr. HEALY said, it was difficult to reconcile the statements of the right hon. and learned Gentleman with regard to public speeches. He now stated that the denunciation of landlordism did not come under the Bill. But the right hon. and learned Gentleman had previously said that a man who made a speech of a similar character to the tenants of an estate would be committed for six months to prison, and that it was necessary to prove intimidation.

SIR WILLIAM HARCOURT said, clearly it would not; but if a man were to say to A, B, C, and D, that if they did not leave their farms next day they would be shot, it would not be necessary to prove that those people had been intimidated. A speech of that character would be "using intimidation," whatever the result of it might be.

MR. HEALY said, Irish Members were quite with the right hon. and learned Gentleman when he said that the person who was intimidated ought not to be made to come forward. Their contention, however, still remained, that it was necessary to prove that somebody had been intimidated.

MR. NEWDEGATE said, that the offence was in the attempt to intimidate —a whole family might be intimidated by the head of that family being threatened. Further, if a man so far yielded to intimidation as not to seek redress, the offence would go unpunished if these words were inserted in the clause. He repeated that the offence was in the attempt to intimidate—not in the act of intimidation.

MR. GIBSON said, this was an attempt to re-open the question, which had been fully discussed and decided on the first Amendment proposed to the clause. When the matter first came before the Committee, the hon. Member for the City of Cork (Mr. Parnell), or one of his Colleagues, suggested that the clause should so run as to make the person intimidated accountable for bringing the charge forward. It was to rest upon his information. That, of course, implied that the individual intimidated should come forward at once, his name and residence being published, to prove that he had been intimidated. All that, as the right hon. and learned Gentleman opposite had pointed out, was in the Amendment. The Committee should never lose sight of the fact that "Boycotting"—or, in other words, the terrorism now existing in Ireland—lived by the generality of its operation—by the creation and spreading of terror; and if it were necessary to prove that some person had been intimidated, prosecutions for intimidation would be rendered impossible.

MR. O'KELLY said, it seemed to him that the object of the Amendment was to require, when the prosecution was begun, that some special act of intimidation should be proved. After carefully considering the matter, he arrived at the conclusion that unless the words were introduced into the clause there would be prosecutions instituted against persons in Ireland for all sorts of imaginary offences — offences that existed only in the minds of magistrates and the police. How was it possible to approve a special offence unless it was proved by whom the offence was committed? Under the clause, as it stood, every Resident Magistrate in Ireland would be at liberty to assume that the words of anyone politically opposed to him amounted to intimidation. The liberty of the people of Ireland would, therefore, be at the discretion of the Resident Magistrates. If the Government wished to deal with and put down actual and not imaginary crime, what possible objection could they have to accept the Amendment before the Committee, which simply called for a clear statement of the act of intimidation and the person against whom it was perpetrated? One would think it was impossible to prove an act of intimidation without proving against whom that act was committed. If, then, that was not proved, by what right was this law to be put in force?

SIR WILLIAM HARCOURT said, the words, "uses intimidation," were deliberately employed, in order that, whether a person was or was not intimidated, intimidation should be reached by this Act. As he had before stated, he was ready to meet any Amendment that was a fair one. Intimidation, no doubt, must be against somebody; this was involved in the very idea of intimidation; and it seemed to him quite unnecessary that the clause should say that intimidation should be against somebody. However, if the words, "to or towards any person or persons," would make the clause any clearer, he was willing to agree to their insertion.

MR. T. C. THOMPSON said, that, even with these words in the clause, there must be proof that somebody had been intimidated. They would be obliged to fall back on the principle of law, that the best evidence should be given, and the best evidence was that of the person intimidated.

Mr. PARNELL said, he was willing to accept the words of the right hon. and learned Gentleman the Home Secretary, and, with the leave of the Committee, to withdraw his Amendment.

Mr. GIBSON said, he had no objection to the hon. Member for the City of Cork withdrawing his Amendment. He readily accepted every syllable of the statements of the Prime Minister and the right hon. and learned Gentleman the Home Secretary as to the way in which they wished the clause and the Amendment to be dealt with; but, at the same time, he had some doubt as to whether the words of the Secretary of State for the Home Department could be added to the clause without some grave consequences resulting therefrom. Unquestionably, "Boycotting" had been carried out by wide, general, and insidious operations. Offences were sometimes committed, words spoken, and acts sometimes done, which might not appear to be directed against any particular individual, but which were intended to have a substantial effect in creating and spreading an atmosphere of terror. That was the difficulty in the present case; and if words were put into the Bill in the sense that acts, and incitements, and words had been used towards A, B, C, and D, it might be that by this limitation Her Majesty's Government would be prevented from reaching the crime, which he fully recognized that the Government sought to put an end to. Therefore, he could not give his assent to the words suggested by the right hon. and learned Gentleman, although they should receive his earnest consideration. Without troubling the Committee any further, he wished to be understood to reserve his right of raising the question subsequently.

Sir WILLIAM HARCOURT said, there was a case which had some bearing upon this question, and which might meet the objection of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson). He referred to the trial of Most, the publisher of *The Freiheit*. In that trial it was alleged that the prisoner had not recommended the assassination of any individual because he had recommended the assassination of Sovereigns generally. The contention did not prevail, and it was understood that to recommend to assassination of Sovereigns generally was to recommend the assassination of persons.

Mr. MITCHELL HENRY said, he wished to put the case of a district in which there were only two landlords, and where hon. Gentlemen who approved of "Boycotting" gave the same advice to the people as they had so frequently done in the course of the last year or two—namely, that landlords were obnoxious, and should be got rid of. Let it be supposed that the people were recommended not to buy from these two landlords, work for them, or sell to them, and suppose, also, that tradesmen in the town where the landlords obtained their necessaries of life received a notice saying that any shopkeepers who sold to them were persons who deserved punishment. Now, he pointed out that although no names might be mentioned, either of landlords or shopkeepers, in such a case as he had instanced, it would be perfectly well known who were the parties intended. If, therefore, the clause were limited in such a manner as to make it apply only to the intimidation of individuals by name, he ventured to say that the advice given to the people in the case he had supposed would be taken, and that the shopkeepers would be ruined, and that the most dire condition of things would be brought about in the district.

Mr. WARTON said, that under the words proposed to be admitted into the clause by the right hon. and learned Gentleman the Home Secretary, the persons who committed the offence of intimidation would go entirely free. He hoped the Committee would not admit the Amendment.

Mr. W. E. FORSTER said, it was important that they should not lose sight of the legal bearing of the alteration. The clause, as it stood, began thus—

> "Every person who wrongfully, and without legal authority, uses intimidation, or incites any other person to use intimidation."

Now, supposing, after the last word "intimidation," the words were added, "or towards any person or persons," what would be the position with regard to the Bill of a person who made a speech in any district very strongly recommending "Boycotting?" Would such speech be, or not be, an incitement to use intimidation?

The ATTORNEY GENERAL (Sir Henry James) said, that general terms of speech which a person might use in a philosophical mood would not be sufficient to bring such person within the clause. The clause would, however, apply the moment he made use of particular words, although no name might be mentioned. It was intimidation to tell people not to deal with the shopkeepers in a district without mentioning names. The words suggested by his right hon. Friend were perfectly consistent with the words in the following Sub-sections (*a*) and (*b*), and the same rule of construction would be applied in both instances.

MR. O'CONNOR POWER said, he endorsed the interpretation given by the Attorney General, for this reason. If it were the intention that intimidation should be used towards a particular individual for the purposes of the Bill, then the word "specified" would be put in, and the words would run, "to or towards any specified person or persons." If the words of the right hon. and learned Gentleman were adopted, the clause would remain quite as general as before; but the proof required would be more ample, and the possibility of escape for the persons charged more frequent.

MR. W. E. FORSTER said, he presumed, if the words of the right hon. and learned Gentleman the Secretary of State for the Home Department were added, that it would not be required for the purpose of prosecution that the name of any person should be given; but that it would be required that some person or persons should have been intimidated, or put within the possibility of being intimidated.

SIR WILLIAM HARCOURT said, that was so.

MR. T. D. SULLIVAN asked whether trade strikes would be legal in Ireland under this clause? It was impossible that there could be trade strikes without mechanics and tradesmen advising one another as to the employment of particular persons, and this was calculated to cause loss to some individuals. These strikes were not made illegal in England, for the House of Commons appeared to be tender with regard to every form of popular liberty in England. The plain question he wished Her Majesty's Government to reply to was—Would this clause render trade strikes in Ireland illegal?

MR. JOSEPH COWEN said, he had been unable to reconcile the replies of the right hon. and learned Gentleman the Home Secretary, and the hon. and learned Attorney General, to questions asked in the course of this discussion with regard to the application of the clause. He understood the Secretary of State for the Home Department to say that it was not illegal for a man to denounce landlordism as a system—in point of fact, that a man could do this if he liked. This was in reply to the hon. Member for Ipswich (Mr. Jesse Collings). On the other hand, he understood the Attorney General to say, if anyone condemned a class of people in a village, that this was illegal. It seemed to him that one of these propositions must be untrue. Now, it was a common thing, when workmen in a district were on strike, that the word was passed that a certain number of tradesmen should not be dealt with. He understood that that could be done, and was done constantly in this country, and it would be done in Ireland.

SIR WILLIAM HARCOURT said, combinations and Trades Unions would be possible, because they were distinctly protected by the 3rd section of the Act of 1875, and that Act applied to Ireland in exactly the same way as to England.

MR. T. D. SULLIVAN said, that, while Trades Unions were protected by one Act, they were rendered illegal by another. Would the right hon. and learned Gentleman explain that? Certain combinations and a certain line of action were protected by one Act, but were rendered illegal by a subsequent one. On which of these Acts would the Government stand?

MR. O'SHAUGHNESSY said, he wished to point out a verbal difficulty in the clause, which, as it was now proposed to amend it, would run in these terms—

> "Every person who wrongfully, and without legal authority, uses intimidation, or incites any other person to use intimidation to any person or persons."

And then followed Sections *a* and *b*; but if Section *a* was omitted for the moment, then the clause would run—

> "Every person who wrongfully, and without legal authority, uses intimidation, or incites any other person to use intimidation with a view to cause any person or persons in consequence."

That was a duplication of words, and it

would be very difficult to give them any meaning. He was anxious to see some words introduced which would make intimidation clear.

Mr. CHARLES RUSSELL said, he thought the question put by the hon. Member for Westmeath (Mr. T. D. Sullivan) was deserving of consideration —namely, whether Trades' Unions would be possible under this Act? The Home Secretary's reply was that the Act of 1875 applied to Ireland; but the right hon. and learned Gentleman seemed to forget that if the proposed Act was construed by itself as rendering Trades' Unions illegal, then, being later in date than the Act of 1875, it would control that Act. Therefore, assuming that the Home Secretary meant to guard the right of Trades' Unions, which was legal in England, and to make it legal in Ireland, it would be necessary in some part of the Bill to introduce a Proviso that "nothing in this Bill should affect the right of combination under the Act of 1875."

Mr. Serjeant SIMON said, he did not agree with this Amendment. According to the Bill as it at present stood, the use of intimidation, or the inciting of others to use intimidation, with a view to cause any person or persons to do or abstain from doing what he had a right to do, would be an offence created by the Statute; and any words calculated to put any individual in fear of any injury or danger to himself would be an offence. The words "to or towards any person" would limit the clause. The intimidation need not be general, such as words spoken or acts done towards a class, but towards some particular person. Now, intimidation might be applied to the whole class of landlords or tradesmen, or any other class, and to every member of that class, and they might be kept in terror and prevented from exercising their lawful rights. It seemed to him that the words proposed would considerably limit the operation of the clause. He did not at all object to any definition which would so define the offence of intimidation as to make it easily ascertainable by a Court of law; but if the offence of intimidation was to be created by words generally spoken against a class or a particular section of a community, putting each individual of that class in fear and terror, then the operation of the clause would be limited if the words proposed were adopted. That was what appeared to him to be the effect of the Amendment, and he thought that if it were adopted they ought to add, "to or towards any person or persons or class of persons." Unless that was done, the great evil under which Ireland was now labouring would still exist.

Sir WILLIAM HARCOURT said, there was one thing which would dispose of these fears and doubts. The section under which the man Most was prosecuted—namely, the Act of 1851—made it criminal to encourage or persuade, or endeavour to persuade, or to propose to persuade, any person to murder any other person. That definition included classes.

Mr. JUSTIN M'CARTHY said, the question of the hon. Member for Westmeath had not been answered to his satisfaction; but it had been answered in anticipation by the Attorney General, who stated that, in case a number of workmen formed themselves together, they would come under the terms of the Act.

The ATTORNEY GENERAL (Sir Henry James): I never said that; I said if they became members of a League that would come under this Act.

Mr. JUSTIN M'CARTHY said, if for any purpose of their own—if they quarrelled with their landlord, and struck against him, and left him as the result of that strike, they would come under the law.

The ATTORNEY GENERAL (Sir Henry James): No.

Mr. JUSTIN M'CARTHY asked under what conditions could a number of labouring persons work together under this Bill?

The ATTORNEY GENERAL (Sir Henry James) said, the Bill had nothing to do with combinations. There was nothing to prevent combinations under the Act of 1875; but there was no inconsistency between the two Acts.

Mr. WARTON said, he thought there was considerable objection to the proposed addition by the Home Secretary. The first was that the person or persons should be named who were being intimidated; and the second and greater objection was that classes were left quite unprotected. A speech might be made advising the shooting of all landlords, or of a whole class, or of all Englishmen. If ingenious agitators availed of that, they would be able to terrorize over any person.

MR. T. D. SULLIVAN asked whether the Attorney General would object to insert these words—

> "Provided always, that nothing in this Act contained shall interfere with the right of combination secured under the existing Statutes to persons working for wages?"

THE CHAIRMAN: We must get rid of this Amendment first.

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 3, line 15, after "intimidation," to insert "to or towards any person or persons."

MR. GIBSON said, he was disposed to think that the words suggested by the hon. and learned Member for Dewsbury (Mr. Serjeant Simon) were more entitled to consideration, and that these words now proposed should not go into the clause in this place, as they would confuse the drafting.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he thought it would be necessary to carry out this Amendment, and to add, in line 23, "to or towards." That, he thought, would meet the objection of the right hon. and learned Member opposite.

Amendment *agreed to*.

MR. HEALY said, he wished to move the Amendment standing in the name of the hon. Member for the City of Cork (Mr. Parnell). The Chief Secretary for Ireland had stated the other night that there were a number of cases in which it was desirable that the Government should have power to act. So far as they could, Irish Members had endeavoured to find out from the Government what particular cases it was desired to strike at by this Bill. They gathered from the Chief Secretary for Ireland that these offences were chiefly four, and if the Government could show that it was desirable to enlarge that list they would be willing to agree to that. The Chief Secretary was especially strong on the posting of circulars and threatening notices, and said if 20 notices were posted the man against whom they were directed could not be expected to go into the witness-box and give evidence. For the purposes of this section an Amendment had been withdrawn providing that magistrates should act summarily in regard to the circulation of threatening notices. Then came the question of "Boycotting" by public proclamation. If a man made a public proclamation that it was desired to "Boycott" a certain person, he might be dealt with under the Act, and also if a person sent round a bellman to announce a ban upon a man in a particular locality he might be dealt with. Then the third class of offence mentioned in the Amendment of the hon. Member for the City of Cork was intimidating by wrongfully or illegally holding up any person to public odium. That definition was of so wide a character that it was very liable to abuse, and the hon. Member for the City of Cork was so anxious to meet the objections of the Government that he had taken on himself to propose another Amendment. He himself looked rather askance at that, because he thought it was an exceedingly wide proposition. He thought that holding up persons to public odium was a very wide matter. If a man was opposed at an election he was held up to odium, and while he was willing to assent to the words his hon. Friend proposed, he confessed that he regarded them with some apprehension. Then the fourth instance was by using violence, or threats of violence, to any person or persons. To discover what were the offences which the Government desired to meet under this Act had caused the Irish Members anxious deliberation; but if the Government did not consider the offences mentioned in his hon. Friend's Amendment sufficient they would be willing to amend it. What they objected to was that the word "intimidation" should stand unqualified. They had asked the Government to recite in this Bill, as they did in the English Bill, what it was with which they desired to cope. It was all very well to say that these offences were of such a Protean character that it was impossible to grapple with them definitely. The Home Secretary put the case of cruelty to animals—everybody knew what that was. But there was no possible case of cruelty to animals which could not be fairly dealt with; and, furthermore, there was the consideration that nobody was interested in cruelty to animals. England was the only place which was disgraced by cruelty to animals, and it compared badly with Ireland in that respect.

It could not be said that a magistrate belonged to a class opposed to a prisoner in such offences in England. But that was what was alleged against the Resident Magistrates in Ireland. If a Resident Magistrate in Ireland was not a landlord himself, he was tinged with landlord views, because in Ireland there was no other society for persons of his class. Society in Irish villages generally consisted of magistrates, bank-clerks, sub-inspectors of police, and local agents. The magistrate had nobody else to mix with, and he must decide as they desired, or they would not ask him to their balls and parties, and in that way they would "Boycott" him. He was shut out from all the local society and was bound to go with those classes. There was no middle class with whom the magistrates could mix as belonging to their own creed, and accordingly they strained the law in order that the landlords should not "Boycott" them. Magistrates in Ireland must have some society, and as there was no other class for them they must mix with the landlords. He was exceedingly jealous of these gentlemen getting powers of this exceptional character without any reservation. If the Home Secretary or the Attorney General were sitting on cases in Ireland he should expect justice at their hands, and should believe their sentences would be correct, and if the Prime Minister had the carrying out of this Bill he would not have the smallest hesitation in allowing the right hon. Gentleman to exercise it. But he should be sorry to give any person power over his liberty, and he should have some suspicion with regard to the Attorney General for Ireland after some of his recent declarations. The suspicion with regard to magistrates was well justified, and he hoped the Government would limit this clause in such a way that the magistrates should have some direction as to intimidation.

Amendment proposed, in page 3, line 15, after "intimidation," insert—

"(1.) By posting or circulating notices of an illegal character;
(2.) By making public proclamation by bell or otherwise inciting others to place any person or persons under a ban;
(3.) By wrongfully and illegally holding up any person to public odium or;
(4.) By using violence or threats of violence to any person or persons."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he was glad that the hon. Member had only objected to the tribunal; but this Amendment was seeking to alter the Bill, apart from the question of the tribunal; and, although he would be repeating what had been so often said, he must point out the objection to this Amendment and to accepting the offer, which was apparently genuine, with regard to definition. He thought the Committee would see at once that the attempt to define intimidation within these four sub-sections would fail, because if the four sub-sections were accepted, not any other "Boycotting" that could be resorted to would be illegal besides these four definitions. There were many other methods which were used, and which, under this Amendment, could be legally employed. He could give numerous examples of "Boycotting" that did not come within these four sub-sections. Suppose a person refused to supply necessary food to other people, that would not come under any of these sub-sections. The Government were endeavouring to stop that cruel "Boycotting" which the hon. Member for Tipperary (Mr. Dillon) said ought to be punished. They did attempt to define "Boycotting" with violence only. They were endeavouring to deal with that cruel evil of preventing people obtaining the means of living. They ought to deal with the more general view as to whether there should be any definitions at all. It was an offence to use violence or intimidation to another person, and there was no attempt to define the use of violence or intimidation, and if an act amounted to violence or intimidation, that would be an offence not included in these four sub-sections. Then came the alternative—"or persistently does these things;" but that was distinct from using violence or intimidation, which was only expressed in general words, and not by particular definitions. These four sub-sections were conditions of intimidation covered by the 1st sub-section. The hon. Member for Wexford (Mr. Healy) asked that the Government should do what could not be done under the Act of 1875. They were not giving a different law to Ireland in respect to the principle upon which this clause was framed. They were doing exactly the same thing, or rather they were doing more, because in the English Act the words "uses violence or intimidation" were omitted. He could not give a better example than he had already given when he spoke of the impossibility to define the general term, than that which represented, not a particular act, but represented what might be carried out by many acts—cruelty to animals, for instance. The hon. Member for Wexford said everybody knew what that was; but everybody did not know the different methods, and if it was detected in one way other ways would be adopted. Then the hon. Member argued that the tribunal must be looked at separately from the enactment. In 1875 he (the Attorney General) had said that the Act was going to give powers, with regard to workmen, to employers of labour who were themselves magistrates. [Mr. HEALY: You have public opinion here.] There was public opinion here; and it would have been more properly applied if it had been properly appealed to. It was impossible to define intimidation in general terms.

MR. DILLON said, he strongly supported the view that there should be some definition introduced into the Bill in regard to what was legal and what was illegal. He recollected, at the outset, saying to the right hon. and learned Gentleman the Home Secretary—"Let us know what is the law and what is not, and we will obey the law." The right hon. and learned Gentleman said he would do so; but what the hon. and learned Attorney General (Sir Henry James) now said was that the clause was drawn on the same lines as the English Act. Now, that was the chief basis of the argument of the Irish Members. If that were so, it was unnecessary to take out the first two lines of Sub-section 1, Clause 7, of the English Act, and replace them by the lines they complained of in the present Bill. If the right hon. and learned Gentleman said that the definition of intimidation was to be left as open in the Irish Act as it was in the English Act, why not use the same words? If they did not do so, the Committee were driven to the inevitable conclusion that there was some object aimed at by the Government in altering the wording of this Act from that of the English Act; and it was not a frank and honest statement of fact to say that intimidation was left undefined in the Irish Act as it was in the English Act. To his mind, the magistrates, or anybody administering the law, must look very carefully at the context in interpreting the word intimidation. They had no other guide to go by. One man might intimidate another by firing at him, or he might intimidate him by saying that he did not like the cut of the clothes supplied by his tailor. There were a hundred ways in which a man might be intimidated, and the magistrate who was administering the law must be guided by common sense and also by the context of the Act. Now, what was the context of the English Act? It was that any man who "uses violence or intimidates" was guilty of an offence—it was that intimidation meant using violence. [The ATTORNEY GENERAL (Sir Henry James): No.] At any rate, it must mean something approaching violence. The words were, "uses violence or intimidates any such person or his wife or children." How could a man intimidate the wife or children of another man, except by an act of violence? The Act went on to say, "or injures his property." They had a definite act mentioned, and this would inevitably influence the mind of the magistrate in saying that intimidation meant an act of violence, or something which created an apprehension of violence in the mind of any person, or injury to property, or a threat to injure property. He had said already that the Irish Members were perfectly prepared to take the Attorney General at his word; and if the hon. and learned Gentleman said that his only intention was to assimilate the present Bill to the English Act, then let him take the words of the English Act.

THE CHAIRMAN: Is not the hon. Member really discussing the Amendment we have already decided, and not the definition, which is now placed before the Committee?

MR. DILLON said, he did not propose to discuss that in the least. He was only pointing out where it was that the Irish Members dissented from the opinion of the Attorney General (Sir Henry James) in the argument he had used against the insertion of a definition—namely, that in the English Act the question was left open. The hon. and learned Gentleman had used that argument, and he had used it as his chief argument. He (Mr. Dillon) was doing his best to reply to that argument by showing, first, that the question of intimidation was not left open in the English Act; and, secondly, that the Irish Members were prepared to give up their opposition if the Government would transfer the words of the English Act to the Irish Act. What they said was, that if the clause was left in its present position, it would materially influence the minds of the magistrates who had to administer the Act. An attempt had been made by several Members of the Government to induce the Committee to leave out of the question altogether any consideration in regard to the tribunal; but it was utterly out of the question that they could remove from their minds the consideration of what the tribunal was to be which was to administer the law. Very frequently the law was drawn entirely in reference to the tribunal which had to administer it. They might leave the clause quite open if they had perfect confidence that it would be administered impartially; but if there was a strong feeling on the part of a large section of the people that it would not be administered impartially, then they were the more entitled to press for a clear definition. This, he thought, was perfectly sound reasoning. What had they got in the English Act? The Attorney General (Sir Henry James) asserted that that Act contained an open Intimidation Clause. He (Mr. Dillon) did not admit that it was an open Intimidation Clause. There was a reservation contained in the 9th clause. Why was that reservation inserted in the English Act? It was inserted because it was said and felt that there might be employers of labour in a Court of Summary Jurisdiction who might be inclined to strain and misinterpret their jurisdiction, and, therefore, that the accused was entitled to object and to claim to be tried by a jury, so that the case might be removed from the prejudices of local magistrates. Now, if the Government would give them here this reservation clause of the English Act, so as to give to every prisoner the right to be tried under this Act by a jury instead of by a bench of landlords, he should have no objection to make.

THE CHAIRMAN: The hon. Member is really discussing the Amendment of the hon. Member for the City of Cork (Mr. Parnell), at the bottom of the third page.

MR. DILLON asked what that Amendment was?

THE CHAIRMAN: That the case may be withdrawn from the Court of Summary Jurisdiction and tried by the Court of Quarter Sessions.

MR. DILLON said, he respectfully submitted that he was not discussing that point, but another question altogether. He said that was one of the strongest arguments in the minds of the Irish Members, in favour of their insistance on this Amendment for a strict definition as to the nature of the Court before which the case would have to be heard. It was not at all in reference to an Amendment on any other part of the Bill, but in reference to the fact that the Government had informed them that they proposed to have these cases tried before a Court of Summary Jurisdiction. That constituted, to his mind, a strong argument against the definition of the offence, and in favour of leaving it an open clause. If these cases were all of them to be tried by the Court of Quarter Sessions, he should not lay so much stress upon his objection. Although he should still be in favour of the definition, he should not consider it of such vital importance as he did now, seeing that they were threatened with a trial on an open clause, which left it to a bench of magistrates to put whatever interpretation they chose upon it. There was a common expression in Ireland that if they "looked crooked" at a man they intimidated him. The Committee would recollect that a Question was asked in the House that day in regard to the case of a man named Joseph Johnson, at Dundalk. The Question asked of the Attorney General for Ireland in regard to this case was what the offence was that Mr. Johnson had committed; and the right hon. and learned Gentleman refused to state. Now, the fact was—and he was ashamed to say so—that the offence laid against Mr. Johnson was this. A constable went up to him and said, "Good morning," and Mr. Joseph Johnson did not say, "Good morning" in return. The Committee must recollect that this had all been sworn in open Court. This was the first offence. The second offence was that he walked over and stared at a photographic machine. Mr. Joseph Johnson began to laugh, and said something about the power of dynamite. It was sworn by several witnesses that the constable laughed also, and seemed to look upon the matter as a good joke. There was no evidence of any other act produced in Court, and yet the man was now lying in Dundalk Gaol on a charge of intimidation, having been committed by a bench of Irish magistrates. No offence was alleged against Mr. Johnson, except the two he had mentioned. The constable was asked in Court—"Were you afraid?" and his reply was—"Yes; I was somewhat frightened." He (Mr. Dillon) thought he was entitled to argue that what had been done by a local bench of magistrates in this case might be done again by a Commission Court under this Bill. The only difference was that whereas Mr. Joseph Johnson was lying as an untried prisoner, under the rule of bail, in Dundalk Gaol, if this Bill had been passed he would have been tried in some way before some tribunal under this clause, and might have been committed for six months with hard labour, a punishment which, by the way, was a most savage one, as it would be an undeserved one, as he had had some opportunity of studying cases in which that punishment had been inflicted. His argument was that as long as the Government employed this tribunal it was the duty of the Irish Members to insist to the utmost of their ability on having laid down, in black and white, what the grounds were on which a man might be sent to six months' hard labour in Ireland. He refused to make it an open clause, or to leave it for the body of men represented by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) to carry out in an obnoxious manner. By this clause, as it stood, any man who made himself obnoxious to the landlord class would render himself liable to six months' hard labour, and that was the reason why the right hon. and learned Member for the University of Dublin (Mr. Gibson) and his friends liked the clause so much. The answer the Irish Members received in the House, when they brought forward facts such as those which had been mentioned that evening in respect of Mr. Joseph Johnson, was that it was not the business of the Executive to interfere between the magistrates and the discharge of their duties. Further than that, the Queen's Bench in Dublin had systematically refused relief, and an obsolete Act of Parliament was brought forward, under which it was contended that the magistrates had acted legally. Although such decisions would have been upset at once in England, this was the sort of jugglery played off in Ireland, and the Court of Queen's Bench would not interfere to restrict the eccentricities of the magistrates, and the people against whom the power of the magistrates was brought into force could get no satisfaction at all. Without committing himself to any definition, he would say that he was prepared to the utmost of his ability to insist, as long as the Government provided that prisoners charged with these offences should be tried before a Court of Summary Jurisdiction consisting of landlord magistrates, that there should be a clear definition of what was to be a crime, and what was not to be a criminal act.

MR. GIBSON said, he only desired to say one word in support of the clause; but he was bound to say that he concurred in the view which had been put forward by the learned Attorney General (Sir Henry James) in reference to the Act of 1875, especially when he found the hon. Member for Tipperary (Mr. Dillon) dissenting from that view. With all the other qualifications possessed by the hon. Member for Tipperary, he had not had the misfortune of a legal education. If he had had, he would have felt that the natural construction of the clause was that which the Attorney General (Sir Henry James) had put upon it, and it would require a great deal more argument than he had yet heard to twist it so as to make it bear the construction suggested by the hon. Member for Tipperary (Mr. Dillon). He (Mr. Gibson) had carefully examined the clause during the observations of the hon. Member for Tipperary with an anxiety to see if he was able to give any support to the doubt which existed in the hon. Member's mind. He felt himself unable to do so, and it was only proper that, as a member of the Legal Profession, he should say that he found it impossible to arrive at a conclusion differing from that stated by the Attorney General (Sir

Henry James) in reference to this matter. There was one observation which ought to be made in reference to the speech which had been delivered by the hon. Member for Tipperary. The hon. Member had demonstrated the absolute necessity of the last paragraph of the clause, because the hon. Member said that to ordinary minds the word intimidation would only import threats by violence.

Mr. DILLON said, that was not what he had stated at all. What he had said was that, placed in conjunction with the context of the English Act, that impression was created in his mind.

Mr. GIBSON said, that if the hon. Member for Tipperary had not been speaking in reference to this clause, he would have passed the matter by altogether. He wished, however, to say one word in reference to the particular Amendment of the hon. Member for the City of Cork (Mr. Parnell). Anyone who had recognized the ingenuity of the Irish intellect would readily see that if the four particular modes of "Boycotting" which had been mentioned were put in the Bill, the Government would soon find it necessary to define six or seven other methods which would not be covered by the clause. He, therefore, ventured to think that the Amendment of the hon. Member threw an amount of responsibility upon Her Majesty's Government which was scarcely fair and reasonable; and after the discussion which had taken place he hoped the hon. Member would withdraw the Amendment, or, as the hon. Member was not present, somebody authorized on his behalf would withdraw it. The hon. Member seemed to be anxious to have it declared that those matters which were clearly criminal should be made crimes. He (Mr. Gibson) had no objection to these four offences being declared to be crimes within the meaning of the Bill; but he did not think that an exhaustive definition of intimidation ought to be introduced.

Lord EDMOND FITZMAURICE said, he wished to point out to the Committee that there was an inconsistency, if not a difference of opinion, between what had fallen from the hon. Member for Tipperary (Mr. Dillon) and what had been said by the hon. Member for the City of Cork (Mr. Parnell) at an earlier stage of the proceedings. It would be in the recollection of the Committee that a short time ago he (Lord Edmond Fitzmaurice) had specifically asked the hon. Member for the City of Cork (Mr. Parnell) this question—whether, assuming that he had correctly understood the Attorney General (Sir Henry James) to offer to withdraw the words defining intimidation at the end of the clause, he would be willing to accept that offer on the part of the Attorney General; and also to add to the clause certain words, not in substitution or in limitation of the expression "intimidation," but constituting a description of those offences which he considered should be specifically made criminal, in the same way as in the English Act, or, rather, in the General Act known as the Employers' and Workmen's Act? In that Act intimidation had been left as an open offence in the 1st sub-section. While certain specific offences—such offences as those popularly known as rattening, and others—were rendered criminal and punishable in a certain manner by the subsequent provisions of the Act, there was no other definition of intimidation. In reply to the question he had put to the hon. Member for the City of Cork (Mr. Parnell), the hon. Member, after consulting those whom he (Lord Edmond Fitzmaurice) felt he did not misdescribe as his Law Officers, said that he (Lord Edmond Fitzmaurice) and others who sat on the Liberal side of the House were mistaken. Now, he was glad he was speaking in the presence of his hon. and learned Friend the Member for Southwark (Mr. Cohen), who heard what passed, and who, in a matter involving rather complicated points of law, was better able to follow the questions that were raised than he (Lord Edmond Fitzmaurice) was, because he need hardly say that on questions of law he was only able to speak with very great submission. Now, the hon. Member for Wexford (Mr. Healy) came forward—as he had a perfect right to do—and, in the absence of the hon. Member for the City of Cork (Mr. Parnell), moved the Amendment which stood on the Paper in the name of the hon. Member for the City of Cork (Mr. Parnell), in the shape and in the very words in which it stood on the Paper; and it was because he (Lord Edmond Fitzmaurice) observed a discrepancy and an inconsistency between what had fallen from the hon. Member for the City of Cork in the first instance and the words which had been placed on the Paper that he desired to see a little light thrown on the question. How did the matter stand? What were the admissions and intentions of hon. Members opposite? Did the hon. Member for Tipperary Mr. Dillon) represent the wishes and desires of hon. Members opposite, or did the hon. Member for the City of Cork; or had the hon. Member for Tipperary (Mr. Dillon) moved the Amendment in order to elicit the opinion of the Committee generally? He knew that the hon. Member had a perfect right to move the Amendment as it stood on the Paper; but what he wanted to get at was the views and intentions of hon. Members opposite, because they had the hon. Member for the City of Cork (Mr. Parnell) rising in his place, and stating, in reply to a question, one particular view, and then they had the hon. Member for Tipperary (Mr. Dillon), who was also high in the confidence of hon. Members opposite, immediately afterwards taking an entirely different view. The result was that those who were most anxious to do all they could to meet the legitimate views of hon. Members opposite on Irish questions were naturally placed at a very great disadvantage.

Mr. DILLON rose to explain the difficulty in which the noble Lord opposite (Lord Edmond Fitzmaurice) appeared to be placed. The noble Lord seemed to be under the impression that because his hon. Friend the Member for the City of Cork (Mr. Parnell) accepted the declaration of the Attorney General (Sir Henry James) he had got all he wanted, and that that would have been a sufficient alteration of the clause. Now, the hon. Member for the City of Cork did not intend to say anything of the kind. They understood from the speech of the Attorney General (Sir Henry James) that he would be willing, on behalf of the Government, without exacting any condition whatever, to withdraw the definition of intimidation contained in the latter part of the clause, from line 25 to line 29; and his hon. Friend the Member for Cork stated, on behalf of the Irish Members generally, that they would be prepared to accept that withdrawal.

Lord EDMOND FITZMAURICE said, that that was not quite the objection that was raised. It was correct as far as it went; but what the hon. Member for the City of Cork (Mr. Parnell) said was that he wished to follow the analogy of the English Act, and the English Act constituted specific offences, in reference to what was popularly known as rattening and other matters. These offences were not included in the definition of intimidation, but were made distinct and separate offences. He wished to know whether, if the Committee added these words relating to specific offences, following the analogy of the English Act, hon. Members opposite were prepared to stand by the Amendment on the Paper, when an intimation had been given that the Government were prepared to follow, in that respect, the analogy of the English Act?

Mr. DILLON said, he understood now the point that was raised. He had supported the Amendment as it stood on the Paper; and he had explained his views at the time, stating why he thought there was a necessity that as strong a definition should be given in the present Bill as in the English Act. The hon. Member for the City of Cork (Mr. Parnell) had expressed himself as inclined to withdraw his demand for a definition of intimidation, if the Government would follow the analogy of the English Act; but he had gone on to explain that reasons existed in Ireland why there should be even a more strict definition than in England, among those reasons being the difference in the tribunal by which the offence was to be tried.

Mr. O'DONNELL said, he had not happened to be present when the dispute arose about the nature of the Attorney General's (Sir Henry James's) offer, and therefore he would not venture to make any remark on the subject; but he considered it highly probable, without any disrespect to the hon. and learned Gentleman himself, but simply from the general action of the Government in regard to this Bill, that the offer of the Attorney General was one that was not worth accepting. At the same time, he (Mr. O'Donnell) was afraid he could not quite support the whole of the Amendment of the hon. Member for the City of Cork (Mr. Parnell). This clause proposed to make liable to the provisions of the Act any person who used intimidation, or incited any other person to use intimidation, and the hon. Member for the City of Cork proposed to insert after "intimidation," the words, "by posting or circulating notices of an illegal character." Now, who was to say whether the notices were or were not of an illegal character? Illegality was a very wide term, and if the illegality of a notice was to be determined by an irresponsible Bench of magistrates, acting summarily, he was afraid there would be but small guarantee for the liberty of the subject. Again, the hon. Member for the City of Cork proposed to make penal a public proclamation by bell or otherwise inciting odium against persons, and placing them under a ban. He altogether denied the right of any Government to interfere in a matter of this kind. If a number of persons considered that there was another person, who was an enemy to the community, and who was acting injuriously to the interests of the community, he said it was the common right of such persons to point out the wrong-doer, and exhort all good citizens to enter into a league against him; and if they did no act of violence, but simply struggled to send him to Coventry, to black-ball him, to avoid his society, and to make him feel that he had earned the detestation of honest men, he failed to see why they should be punished in consequence. Suppose, for instance, they had to deal with a notorious usurer in a district. He believed there were a good many of these notorious usurers in London. Well, there were some usurers in Ireland also, and if that fact were known to the community, and if it could be shown that there were persons who were likely to be victims of a scoundrel of this description, it was not only right, but it became their duty to make a proclamation, either by bell or otherwise, so as to put the country on its guard against that usurer, and to advise all honest men to send him to Coventry, and to hold aloof from him, simply as a protection of the interests of the rest of the community. It would be perfectly monstrous that putting a usurer under a ban of this kind should be an offence punishable with six months' hard labour. It was the right and duty of everyone to single out a public offender, even although he might not technically be a criminal, as offending against the general body of the community. Then, again, under this Amendment, it was proposed to make an offence, to be punished under the powers of the Bill, of wrongfully and illegally holding a man up to odium. Who was to interpret the wrongfully and illegally hold a person up to public odium? The right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) had held up a good many persons to public odium in the course of his life; but he (Mr. O'Donnell) should be sorry if any act of that kind rendered the right hon. Gentleman liable to six months' imprisonment with hard labour. Nevertheless, under this Bill a man would be liable to six months' imprisonment with hard labour for doing the same thing as had obtained for the right hon. Gentleman the Chancellor of the Duchy of Lancaster no small portion of his political eminence. If a man was held up to public odium, in most cases, if the odium was not deserved, it would not fall upon him, and where it did fall upon him it very often happened that it was very well deserved. The fourth section of the Amendment of his hon. Friend the Member for the City of Cork (Mr. Parnell) he could heartily support. In that section his hon. Friend proposed that there should be an explicit offence under the Bill in every case where violence or threats of violence were used to any person or persons. There he was entirely with his hon. Friend the Member for the City of Cork. Violence or threats of violence were things to be put down; but he said it was right, and very often must be a duty, to hold up persons to public odium, that it was often right, and might be a duty, to make a public proclamation calling upon the community at large to place a certain person under a ban. Persons of infamous character or of infamous houses, ought rightly to be placed under the ban of the community generally; and, as to circulating and posting notices of an illegal character, he was not prepared to allow one of the magistrates who were to form the proposed tribunal to have the power of declaring notices to be illegal, and of thus creating, under the general provisions of the Act, as many separate offences as there might be separate notices on which they had to adjudicate in the fulfilment of their functions. He did not think that the adoption of the proposed Amendment would really amount to the promotion of public liberty, and he would suggest that a safer and more regular way of testing the *bona fides* of the Government would be by specifically inserting in the clause extracts from the general law relating to intimidation in England, and allowing the Irish people to practise the same kind of intimidation as was allowed to the English people to practise. These provisions ought to be taken bodily out of the Act of 1875, and inserted in the present Bill, and he had no doubt they would then have the satisfaction of seeing the Government voting against granting to the Irish people the same power of combination as had been granted to the English people. He had said on the first reading of this Bill that he did not think it could be materially amended, but that the Irish Members ought to make use of every means in their power of exhibiting the true character of the Bill. He did not think the Amendment proposed by his hon. Friend the Member for the City of Cork was sufficiently well calculated to expose the character of the Bill, because it went too far in the way of concession, which, he thought, was one of the worst things Irish Members could assent to under present circumstances. He should not vote for Sub-sections 1, 2, and 3, but he should be happy to vote for Sub-section 4. He hoped Irish Members would do as little as possible towards meeting the views of the Government, and that they would contest and exhibit in the strongest light the general character of this Bill, and after that they would trust to all the resources of their nation and race at home and abroad to bring it and its author into hatred and contempt.

SIR WILLIAM HARCOURT said, he thought the speech of the hon. Member who had just spoken would be very convincing to the Committee.

MR. T. P. O'CONNOR asked whether the right hon. and learned Gentleman, who regarded the hon. Member's speech as convincing, would accept the three sub-sections?

SIR WILLIAM HARCOURT: The hon. Member disapproved of three out of the four, and supported only the fourth.

MR. LEAMY said, he thought the disapproval of these sub-sections would be a recommendation of them to the Home Secretary. The hon. Member for the City of Cork, by the Amendment, wished to test the desire of the Government to effect a real prevention of intimidation. The Home Secretary had admitted that he proposed to create perfectly new offences in Ireland. If that was to be done, Irish Members had a right to ask that the new offences should be strictly defined. Under this clause it was quite possible that any single word a man might say, respecting the character, or conduct, or business of another, would be held to be a crime, for which the man might be sentenced to six months' imprisonment. The only Gentleman who spoke in favour of the clause, as it stood, was the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), who was quite satisfied with this clause. Any magistrate would be safe who held that any word spoken in hostile criticism against a person was an offence against the Act. The Government had promised to give the right of appeal to persons convicted under the Act by magistrates, and that was a very considerable gain, and he was sure that it would be a right that would be used by people who had the means of appealing; but a great many of the people likely to come under the Act were too poor to appeal, and, consequently, they would be at the mercy of the magistrates. Under this Amendment a magistrate would be able to put down every case which the Home Secretary said ought to be put down in Ireland; but the Government had refused to accept the Amendment, and appeared to be resolved to give to the magistrates powers which they never before possessed, and ought not to be intrusted with. It would be much more honest if the Government proposed a clause that it should be lawful for every Resident Magistrate to send any man in his district to prison for six months with hard labour. When the hon. Member for Tipperary (Mr. Dillon) said that if the people were to be expected to observe the law they should be told exactly what the law was, the Home Secretary said "Hear, hear!" as if he agreed in that opinion; but when he rose to speak later on he contended that intimidation was of such a Protean character that it was utterly impossible for the Committee to define it. How, then, could the poor Irish people know what it was? It would be impossible for any man to say a word about his neighbour without running the risk of six months' imprisonment. If the magistrates in Ireland were like those in England, and had sympathy with the people and with public rights, and would not strain the law against the people, they might be trusted; but it was very well known that there were magistrates in Ireland who would go into Court prejudiced against the people, and the paid magistrates of the Government were always desirous of obtaining convictions. Anyone who had ever attended Petty Sessions Courts in Ireland had seen how the unpaid magistrates were often inclined to let the accused people go away; but the Resident Magistrates nearly always insisted on a conviction. The magistrates under this Act would feel bound to justify the confidence which the Government reposed in them, and to procure as many convictions as possible. That would create disaffection. Hon. Gentlemen often said they wished to bring about a state of things in Ireland under which the people would respect the law; but how could they expect to get that respect when the law was to depend on the magistrates who administered it? Everybody knew it would depend on the class of magistrates who were appointed; yet, at the same time, the people were expected to have respect for the law which they knew would be turned into an engine of oppression against them by the men set over them. He, of course, supported the Amendment of his hon. Friend, which went very far indeed. He was convinced that under that Amendment the magistrates would be able to put down every offence that ought to be put down. He was convinced that under at least one or two of the sub-sections of the Amendment magistrates who were opposed to the people could go very far to oppress them; still, as the Amendment would, to some extent, define the offences, and inform the people what would not bring them under the Act, he should support the Amendment.

Dr. COMMINS said, he was inclined to support the Amendment on the principle of choosing the least of two evils, although, in itself, he thought it would be a considerable evil. With regard to the first section, the decision whether a document was legal or illegal was generally one of the most difficult tasks that the Superior Courts had to perform; and, consequently, it would be a question almost beyond the capacity of the Justices who would have to administer the Act. Then, with regard to public proclamations by bell to place persons under ban, there were plenty of people who might very properly and justly be placed under a ban—persons whom every moralist in the pulpit would place under a ban. Under the second section of the Amendment, no person in the world could denounce the instigators of vice and immorality, and no clergyman could exercise what everybody expected him to exercise—namely, full power of condemning vice. Then, again, with regard to holding people up to public odium, that would be liable to the same objection; but the fourth section he could support, and although the other sections were open to many objections, the Amendment was far superior to the clause itself. He should desire to look at this matter from the point of view of a lawyer, and a more severe condemnation had not been pronounced on the clause than by the Attorney General. When asked to define the offences which this clause proposed to create, he simply said, "Intimidation being a general term, it could not be defined." He (Dr. Commins) would not go into the logic of that statement, but there did not exist a general term in our language which did not admit of a definition; and the Attorney General must have forgotten all his logic when he laid down that proposition. Probably the Attorney General meant the offences could not be defined; but there, again, there was no offence known to the English law—say, from assault, which was probably the smallest of all kinds, up to treason or murder—which was not already defined in the most rigid way, and the definition of which did not form a guide to the Judges whenever appeals were made or cases were reserved. Therefore, by the words of the Attorney General himself, this clause was condemned. Suppose intimidation could not be exactly defined; suppose intimidation was a kind of loose term; or that the offence was composed of a number of acts, even a thing that could not be logically defined might be described; and even where description might be at fault, it could be pretty well met by an enumeration of instances, as inductive logicians were in the habit of saying. In the 4th clause there was no definition at all. It merely said that any condition of what everybody would understand to be intimidation, according to the ordinary meaning of the word in a dictionary, ought to include a number of things. That was neither description, enumeration, nor definition, but only made confusion worse confounded; because, in addition to the indefinite meaning that might be attached to the word intimidation, it included a number of things, the very nature of which might give rise to a dispute. Here was the gravest condemnation of the indefinite character of the clause pronounced by the Attorney General when he said it was incapable of definition. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) said that was exactly what he wanted. That was an extraordinary declaration to make, but it was practically what he meant—that the clause should be left indefinite. Surely, in this country, with our centuries of liberty, and our Acts, and our system of regulating conduct by law, we knew what was the difference between having people subject to arbitrary power and subject to law. The object of law was to restrain arbitrary power, and if he was to take the object of this Act from the right hon. and learned Member, it was to go contrary to all the traditions of English law and liberty for the purpose of establishing arbitrary power in the hands of men who were hostile to those whom they might have to try, and who would be strongly tempted to abuse that power. He could not conceive anything more iniquitous than that a person should be brought under the lash of the law for an offence which he never contemplated, which he was unconscious of doing, against which the law had not warned him beforehand, and which no human ingenuity could have discovered to exist. The whole scope of this section tended to the establishment of arbitrary power; to give to magistrates the power of convicting for offences which the law did not define or describe. It had been said that the clause would be interpreted by the Act of 1875, but that was not so. Section 7 of the Conspiracy Act of 1875 actually evaded, and effectually evaded, the very evil that this Amendment was directed against. That section provided that—

> "Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing wrongfully, and without legal authority, uses violence or intimidates such other person."

Under that Act there must be a *corpus delicti*. That was one of the first principles of the Criminal Law. No person could be convicted of an offence until it was proved that the offence was committed. There must be a *corpus delicti*. In this Bill there was no *corpus delicti*. There need be no person whatever against whom an act of intimidation was intended. In other words, there need be no *corpus delicti*, and there need be no offence. That was like convicting a man for the murder of a man who was still alive. That had happened in England. This Bill would punish people for intimidation without any intimidation having taken place, and without the necessity for any person to come and say that he was intimidated, or to show that an act of intimidation was intended against any particular person or persons. That would leave it entirely in the power of the magistrates to convict anybody whatever of an act of intimidation. Then it would be open to Irish criticism that the Court of Queen's Bench, which was supposed to see that the law was properly administered, would have no power to interfere with such convictions. The hon. Member for Tipperary (Mr. Dillon) said he could not understand why the Court of Queen's Bench refused to interfere in cases of that kind; but if the hon. Member had been learned in the law, he would have understood that there was in the law a principle by which Courts never interfered, under any circumstances, to overrule the discretion of magistrates. It was an especial rule in the law that where discretion was given by the law to inferior magistrates it was assumed to have been exercised correctly, and no Court would overrule that discretion. Therefore, the Court of Queen's Bench was not only within its rights, but was acting within laws prescribed by the Act of Edward III. in not interfering with the discretion of magistrates. Neither could that Court interfere with the magistrates in committing people to six months' hard labour upon what they might find to be an act of intimidation, but which nobody else could find to be such an act. Upon these grounds he considered the clause without modification, without either enumeration or description of what "Boycotting" was, or what was to be an act of intimidation, would simply establish by law arbitrary power to be placed, not in the hands of an Emperor or a Loris Melikoff, or men of such high position and character as would furnish a guarantee that they would exercise the power in a judicious way, but in the hands of men who had the strongest temptation to use that power for the persecution of the people. Therefore, although he considered the Amendment imperfect, he should support it on the whole.

Sir WILLIAM HARCOURT said, he wished to appeal to the Committee with regard to this Amendment. He did not think that it had received very strong support from even the Benches opposite; but, at all events, the Committee was in a position to decide upon it. The hon. Member opposite (Dr. Commins) urged that there should be a definition of intimidation in the Bill; but the Amendment provided no definition. Lower down, however, there was a proposal to define intimidation, and that could be discussed when it was reached. The Amendment did not give what the hon. Member desired, and nobody but himself had the courage to attempt it. All that the Amendment touched was the question of the method by which intimidation was not to be carried out. The fault of that was that if half-a-dozen methods were included, there might be a dozen methods behind which were left out. It was generally admitted by the Committee that intimidation ought not to be allowed, and he would give an instance of the practice. A blacksmith, having shod a horse for a policeman, might be "Boycotted" by everybody else in the village, and in that way he would be ruined.

Mr. O'DONNELL asked if the right hon. and learned Gentleman could give an instance of a blacksmith who had rendered himself unpopular to a whole village; and, if so, what the Government proposed to do with the whole village?

Sir WILLIAM HARCOURT said, the people who persecuted the blacksmith would be proceeded against, and he should like to be able to deal with those who incited the people of the village. Those were the persons against whom the Bill was specially directed. If he could catch the person who advised the whole village not to deal with the blacksmith who had shod the horse for the policeman, that was the man he should like to deal with, and that was the sort of man against whom this clause was directed. It was those who incited men to wrong others against whom this Bill was principally directed, and it was quite plain that if the Committee consented to include two, three, or four methods of ruining other people they would leave many other methods outside the Bill.

Mr. DILLON said, he thought this Amendment really touched the whole question. He would give an illustration of the subject which had come within his own experience. A certain lawyer had made himself exceptionally obnoxious to the people by putting himself forward as the agent for cruel evictions; and he (Mr. Dillon), speaking at a large meeting in the country, recommended the people to withdraw their patronage from that individual, and he was informed that he had now left the country. Should he, for giving that advice, come within the Act?

Mr. LABOUCHERE said, as the Home Secretary could not define intimidation under this Act, he would put two cases, and ask whether they would come under the general definition of intimidation. It was admitted that there were a great many instances in which landlords had charged such rents that the tenants were unable to live and thrive under them. Supposing that the tenants of such a landlord were to agree that they would rather throw up their holdings than pay the rent, and further agreed that, if any one of their number should refuse to throw up his holding, they would decline to hold any further social intercourse with him; would these people be rendered liable to penalties under the Act? There was another case which would come home to the Home Secretary and the hon. and learned Gentleman the Attorney General. It was the habit of the Bar in England and in Ireland to refuse to hold any social intercourse, and to refuse to hold any brief with any man who advertised that he was prepared to take under one guinea for his opinion. He would like to know whether that was not "Boycotting," according to the explanation of it that the Home Secretary himself had given. Perhaps the Home Secretary would tell them, a poor tenant joining with others to prevent unfair rents being refused, and to refuse to hold social intercourse with anyone who would not join with him, was to be subject to six months' imprisonment, and whether if a barrister, or an assembly, or an association of barristers, called, he believed, "the Mess Circuit," were to declare that he or they would absolutely round on anyone of the mess who advertised he was prepared to take half a sovereign for his opinion, which, very likely, was not worth twopence, they would be subject to six months' imprisonment.

THE CHAIRMAN: I must point out to the hon. Member for Northampton (Mr. Labouchere) that not one of the cases he has mentioned has anything to do with the Amendment. We are now upon a distinct Amendment, and we must keep to it.

MR. METGE said, he would not have ventured to address the Committee had it not been for some observations which had fallen from the Home Secretary. The right hon. and learned Gentleman objected to these words being introduced, and said they had not come to the part of the clause where a definition of intimidation could be entertained.

SIR WILLIAM HARCOURT said, he did not mean to say that. What he said was, they had not come to any Amendment which professed to be a definition of intimidation until they came to the Amendment of the hon. Member who last spoke.

MR. METGE said, he understood the present Amendment to be in the direction of the manner in which they wished to limit the construction of the clause. The Committee must remember that only a few nights ago the Attorney General for Ireland said, in reply to a question which was addressed to him, that nobody in the world had any control of the magistrates in Ireland, and he afterwards qualified his answer by saying "except the Queen's Bench." They knew that in the majority of cases the control of the Queen's Bench was entirely delusive. The Home Secretary had said, in answer to a question of the hon. Member for Dungarvan (Mr. O'Donnell), that in case of extreme "Boycotting"—in the case, for instance, of a blacksmith to whom the whole village refused to give work—he would hold the man who originally incited the people of the district to "Boycott" the man, he would hold him to be the man against whom they ought to proceed. He (Mr. Metge) would say that such a man could be proceeded against under any of the subsections which the hon. Member for the City of Cork (Mr. Parnell) wished to introduce in the clause. No one seemed to think that the sub-sections of the hon. Member were not wide enough. What the Irish Members felt, and what he himself felt very strongly, was that there should be some distinct definition of the crime of intimidation. He did not wish to defend extreme "Boycotting;" but he certainly would like to know how far the people of Ireland were justified in using what he must say was the only weapon they had with which to defend themselves in the agitation which now existed in Ireland. Certainly, his political career had been short; but he had never said a single word, in or out of Ireland, in favour of "Boycotting." He had never done so, because he felt it would be a dangerous weapon; yet he felt it was the only weapon with which the tenant farmers of Ireland could maintain their position in the war they were waging with the landlord class, backed up, as that class was, by the police and all the moral force of opinion in the House of Commons and in England. He had asked himself the question—"Are the Government really in earnest in their desire to put down crime in Ireland?" Did the right hon. Gentleman the Prime Minister and the Chancellor of the Duchy of Lancaster (Mr. John Bright) imagine for one moment that by passing measures of this sort they could put down a crime with which the whole people of Ireland had a certain sympathy with? No one could deny that that sympathy existed. The way to meet the difficulty was not to debate what intimidation was, and what use could be made of "Boycotting," but to lay down a distinct line within which the people of Ireland could proceed.

MR. BARRY said, he rose to emphasize the point raised by his hon. Friend (Mr. Metge). The right hon. and learned Gentleman the Home Secretary, in replying, a few moments ago, to the hon. Member for Dungarvan (Mr. O'Donnell) said that, in the case of a tradesman who was "Boycotted" by an entire village, the effect of the Act would be to punish the man who incited to the "Boycotting." That being the opinion of the right hon. and learned Gentleman, he could fairly ask him to support the portion of the Amendment which said that a man should be guilty of intimidation who—

> "By making public proclamation by bell or otherwise inciting others to place any person or persons under a ban."

It was perfectly clear that the Amendment of the hon. Member for the City of Cork would bring within the operation of the Act any person who incited the people of a town to place a blacksmith or any other tradesman under a ban. It would be generally admitted there was nothing more dangerous to personal liberty than an indefinite definition of the Criminal Law; and certainly nothing could be more indefinite than this clause as it now stood. As the clause was at present framed, every man, woman, and child in Ireland was liable to be imprisoned for six months for any word spoken or any act done, no matter how innocently they might have spoken or acted, if, in the opinion of the presiding magistrate, their words or acts brought them within the purview of the Act. If it was necessary in the English Act of 1875 to safeguard the liberties of the people by a series of definitions, it was certainly ten times more necessary that that should be done in the case of Ireland. In England, the magistrates, on the whole, were in general sympathy with the masses of the people; but no one would contend for a moment that the same condition of things existed in Ireland. It was notorious that the magistrates in Ireland were openly and bitterly hostile to the people; and, therefore, he repeated that if it was considered necessary in the English Act of 1875, dealing with Trades' Unions, to insert for safety a series of definitions, it was ten times more necessary to do so in the present case. There seemed to be an idea on the part of some hon. Members that the sub-section of the 7th clause of the Bill of 1875, instead of defining intimidation, created a new offence. He was of opinion that that was an entirely wrong interpretation of the Act of 1875. By the definitions which were contained in the Act of 1875, it was rendered impossible for magistrates to possess the wide and discretionary power which the Irish magistracy would possess under the clause they were now discussing. Under this clause it was possible for a magistrate to send anyone to prison upon any conceivable pretence—any word spoken in haste, any angry gesture; in fact, any conceivable act or word would bring a man within the operation of the clause, and they knew from very recent experience what peculiar notions and ideas the Irish magistrates and Irish police had as to what constituted crime. A short time ago, in one part of Ireland, a number of children were sent to prison, and a number of others fined, simply for whistling a tune in the street. He believed that in one instance a policeman swore solemnly that the whistling of a tune amounted, in his mind, to abusive language. Knowing that cases of this kind had occurred, not in the remote past, but quite recently, and knowing how prone the Irish magistrates were to take a hostile view of anything the people did, the Irish Parliamentary Party were bound to insist upon the adoption by the Government of some such definitions as were now proposed by the hon. Member for the City of Cork. A great deal had been said in the course of the debate upon the practice of "Boycotting." One would imagine that no such thing as "Boycotting" existed in England. He knew very well that in connection with Trades' Unions in England "Boycotting" was in force every day. It was not an uncommon thing when a strike took place that a minority of the workmen in the particular trade in which the strike occurred were opposed to the strike. He had relatives of his own who were workmen, and he knew that they had been opposed to a strike; but they dare not for their lives resist the dictum of the trade with which they were connected. Would anyone tell him that certain practices of Trades' Unions did not involve "Boycotting" of a far more sweeping nature, and of a far more perfectly organized nature, than any "Boycotting" which existed in Ireland? He thought it might shorten the proceedings of the Committee very much if the Government made an open and frank declaration that the object of the Bill was not so much to deal with "Boycotting" and other crimes, as it was to put down political combination of any kind in Ireland. If the Government insisted upon carrying the clause without introducing a definition of any kind, it would be impossible for the Irish people to come to any other conclusion than that the real intention of the Government was to put down political combination of every and any kind in Ireland. During the short time he had been a Member of the House he had heard it frequently hurled at the Irish people that one of their greatest failings was their disrespect for the law. Wherever the law was disrespected it was a lamentable and deplorable fact; but how could England hope there to be any respect for the law in Ireland when the whole range and scope of the law was vested in men who were known to be bitterly opposed to the people? How could they expect respect for law when a Resident Magistrate, upon the mere word of a policeman, could send to prison a man who it was well known had committed no crime at all? Under this clause, not only was a magistrate empowered to determine whether certain acts sworn to had been committed, but he was given power to determine what was the intention of the man who was alleged to have committed the offence. When they were brought face to face with facts like these, and when they listened to the balmy platitudes about the spirit of justice in which this Act was framed, and when they were told that in regard to intimidation the people of Ireland were being dealt with in the same spirit in which the people of England were dealt with, he confessed he was very sceptical indeed. Although the Amendment of his hon. Friend the Member for the City of Cork (Mr. Parnell) went a very short way indeed to meet the necessities of the case, he would support it, because it was the lesser of two evils; he would support it, because it would help to circumscribe the discretionary power which was given to the magistrates as it now stood.

MR. JESSE COLLINGS said, he thought that the request of the Irish Members, as embodied in the Amendment, was a very reasonable one, and one which ought to receive attention by a Liberal Government, especially when the hon. Member for the City of Cork (Mr. Parnell) had expressed his willingness to amplify the sub-sections he had proposed almost to any extent in the direction of securing what the Government had stated was their object to attain. The Irish Members, and, indeed, all the Members of the House, expressed themselves willing to put down "Boycotting" as far as it led, or was likely to lead, to outrage; but what the Representatives of Ireland objected to was that any expression of opinion, unaccompanied by violence, might be construed to be "calculated" to intimidate some person or persons, and thus the speaker might be brought within the action of the clause. The Irish Members simply asked that the law which Irishmen were expected to obey might be defined, and that the crimes for which they were to be punished might be explained to them so that they might know what to avoid, and thus escape the punishment which the clause provided. It was evident from the speeches they had heard that the Government wished to include in the clause exclusive dealing of a very simple character. Any doubt as to that point was removed when the hon. Member for Wexford (Mr. Healy) put a question directly to the Home Secretary as to whether a grocer who refused to sell a pound of sugar to a man would be affected by the clause. The reply of the Home Secretary was that it would depend upon the surrounding circumstances whether the men would come within the purview of the clause. That was an almost incredible statement to come from a Member of the Government, especially when they knew who were to be the judges of the surrounding circumstances. Would the right hon. and learned Gentleman name any circumstance that would justify a grocer in refusing to supply a pound of sugar to anyone? How was the grocer to know what were the surrounding circumstances which would make his action a crime or not a crime, as the case might be? It seemed to him that if they required a person to keep himself free from crime they were bound to give him some direction as to the manner in which he must do it. Surely the statements of the hon. and learned Member for Dundalk (Mr. Charles Russell) and the hon. and learned Member for Christchurch (Mr. Horace Davey) ought to have some weight with the Government, for these Gentlemen were legal authorities of no mean order. These hon. and learned Members were of opinion that any word spoken or act done calculated to put any person in fear of any injury or danger to himself, &c., would include every case of exclusive dealing apart from the circumstances. Were the Government, in the face of such opinion, going to create a crime which would revolt the common sense of the people? If so, to what extent did they expect their law would be obeyed? They had been told during this debate—and it had almost become a truism—that if the laws of a country were to be obeyed they must "square" with the moral sense of the people of the country, and all legislation would be in vain unless it proceeded in that direction. If exclusive dealing could never be made a crime in the eyes of the Irish people, the Government would find that the effect of making it so, in a legislative manner, would be to bring the law into contempt. They were told by the Home Secretary that the English people had been treated in the same way. That had been disputed; and there could be no doubt that the Act of 1875 rather seemed to define, or to give some direction to the people as to the crimes which they must avoid in order to escape punishment. It must be well known to every Member of the Government that no such clause as this could possibly be applied to English or Scotch legislation. The people would not have it, and no Government dare introduce it. In the present instance the Government were relying upon the anti-Irish feeling in the country, and somewhat upon their own popularity—both of which, he was bound to say, if they continued in their present courses, they would soon use up—to create a crime in Ireland which would never be regarded in England as a crime, and which would never be regarded in Ireland as a crime. When the clause was understood in England—and it was becoming more understood day by day—he was persuaded the common sense of the people would revolt. The common fairness of the English people would shrink from inflicting such a law on the Irish nation. Again, it was stated by a Member of the Government—he believed by the Home Secretary—that they wanted to put nothing more on the Irish people than had been put on the English people. Upon that statement an influential Member on the Irish side of the House immediately challenged the Home Secretary by saying they would be content if the same rights were given to the people of Ireland as were now enjoyed by Trades Unionists in England. If the professions of the right hon. and learned Gentleman were sincere, he would accept the challenge, and make the two laws agree. Surely a man ought to know the law which he had to obey; at any rate, he ought to be able to find out what it was. It was quite true that the definition of intimidation was to be left in the hands of the Resident Magistrate; and it was equally true that the Irishman had no faith or confidence in the fairness and honesty of the men who had to try him. Now, as to exclusive dealing, unaccompanied by violence, or any threat of violence; because he took it that was what they were arguing about. He ventured to say there was more "Boycotting" in that sense in England than in Ireland. [Mr. Alderman LAWRENCE: No, no!] The hon. Member for the City of London said "No, no!" but that did not alter the fact. Any hon. Member who had lived in rural districts of England must know that in many districts people lived in an atmosphere of "Boycotting," in the sense he had described—namely, "Boycotting" unaccompanied by violence or any threat of violence. He had known Sunday school treats from which children of Dissenters had been "Boycotted," and he knew of many instances in which tradesmen had been "Boycotted" because they did not vote at elections for certain sides. He knew that at elections in which he had taken a part there had been published and circulated throughout the district a printed list of all the tradesmen who had voted for the opposite side. All these things were "Boycotting" in the sense he had described; and how could it ever be put down? Let him put a case to the Committee. Suppose such a scene as that enacted at Ballina were to take place here. There would be a public meeting held to express indignation at the action of the police; yet the people who met would not be in terror of being cast into prison for six months with hard labour. The people of Ireland, however, under this Bill, could not assemble to criticize the acts of the police, as such acts ought to be criticized, without fear of imprisonment. Suppose an eviction of a more than ordinarily severe character had taken place, and suppose the men who could not look upon this sentence of death—as an eviction had been described by the Prime Minister himself—with perfect coolness, were to describe it in the same terms as the Prime Minister described it, what would happen? They would be subject to the penalty of this clause. In fact, after the passing of this Act, that House would be the only place where Irish grievances could be ventilated; and when there were about 80 or 90 Home Rulers returned that would not be a very bright outlook.

THE CHAIRMAN: I must point out that the hon. Member is discussing the whole clause, and not the particular Amendment before the Committee.

MR. JESSE COLLINGS said, he was trying to show the necessity for a proper definition of what would constitute intimidation; and he was pointing out that such a definition was necessary in the case of a man who spoke about evictions in a manner in which, he believed, most men in the House—at any rate, those on the Liberal Benches—would speak of them if they occurred in England. The examples he had given were, to his mind, sufficient to show that the Government should assent to the request of the Irish Members, as embodied in the Amendment. He would not, however, refer to evictions further; but he would ask what would be the effect of the clause without some amendment? The hon. Member for Wexford (Mr. Healy) might put some of his points in a very rough and, perhaps, an exaggerated manner; but the Committee had nothing to do with that; they had simply to ask them whether what he stated was true or not? What did the hon. Member say would be the effect of the clause if it passed without the Amendment, or some such Amendment, as that now before the Committee? He said the people, having no protection from the law, would seek to protect themselves; and outrage would be the direct consequence of the clause as it now stood. If that be true, it was obviously the duty of the Government to afford such protection to the people as would prevent a resort to outrage as a means of gaining their ends. He trusted the Government would make some concession on this point. Up to now they had made no sign that they intended to make the slightest concession; and, that being so, he did not know how they could blame the Irish Members for the delay which had taken place in the prosecution of the measure, or how they could expect the Irish Members to permit such a clause, unamended by some such Amendment as the present, to pass without the most strenuous endeavour on their part to prevent its enactment. Such a clause would not be permitted to apply to England, Scotland, or Wales; and he was inclined to think that as soon as the English people thoroughly understood its meaning — and he was happy to say they were fast comprehending it—they would protest against it, especially when it was proposed by a Liberal Government.

MR. CARTWRIGHT said, he listened to the speech of the hon. Member for Ipswich (Mr. Jesse Collings) with great regret. The hon. Gentleman had completely mistaken English Liberal opinion when he said that English Liberals would turn against the clause and against the Bill the more they understood their meaning. He had listened most attentively to the debate on this clause, and he believed that he had never heard more finespun definitions evolved with regard to anything than had been evolved in the course of this discussion. Let them look at the clause in the light of common sense, and it would be in the light of common sense that it would be administered by the magistrates upon whom the duty devolved. He maintained that in the definitions which were embodied in the 1st and 2nd sub-sections of the clause would be found everything that was necessary in order to arrive at what really came within the four corners of the process called "Boycotting." It had been said other definitions were wanted. They could not have an elaborate definition of a process which was so subtle, so insidious, and so ingenious. How could they cope with such a process except by a definition which was not specific? What he wanted to impress on the Government was, that the further they lost themselves in elaborate definitions, the less they would be able to meet the system of "Boycotting," which was the invention of the authors of the Land League. The Land League Leaders wanted, by some means or other, to preserve to themselves the practice of "Boycotting," and that was what he held it was the duty of the Government to resist. If there was any justification for a Bill like the present, it was that it should give the authorities in Ireland the power to meet with the specific danger which now existed in that country. He trusted the Government would not be induced to give way by such appeals as that just addressed to them by the hon. Gentleman the Member for Ipswich (Mr. Jesse Collings), who, in this matter, did not represent the true Liberal, or even the true Radical, feeling of the country.

Mr. R. T. REID said, the attempt of the hon. Member for the City of Cork (Mr. Parnell) was, by certain sub-sections, to define the offence of intimidation. If the offence of intimidation was defined, the effect would be that the definition would be used, or might be used, by the persons against whom the clause was directed for the purpose of inventing modes of intimidation not included in the clause. He would ask any hon. Gentleman to consider whether the term "intimidation" was capable of exhaustive definition by any human being? In ordinary legal phraseology, such terms as fraud were not defined, and were never sought to be defined, for the very reason that if they kindly gave a fraudulent person a definition of the term fraud, he would immediately invent some method by which he could commit the offence without bringing himself within the words of the definition. He could not think for a moment that when the hon. Member for the City of Cork reflected, he would desire to insist upon his Amendment, which could not be an exhaustive definition of intimidation. He would tell the hon. Member that it was the opinion of many Gentlemen who desired to repress intimidation, and to include "Boycotting" in intimidation, that the words of the section were too wide, and would strike at some things which were not offences. They, however, did not think the proposal of the hon. Member for the City of Cork was the best that could be made to avoid the evil. The best way to meet the evil would be to adopt an Amendment which stood in the name of the hon. and learned Gentleman the Member for Christchurch (Mr. Horace Davey). It was felt that by that, or some similar provision, it would be possible to prevent anything that was *bonâ fide* or honestly done coming within the purview of the clause.

Mr. ARTHUR O'CONNOR said, he quite agreed with the hon. Member (Mr. Reid) that it was impossible to define intimidation. It was precisely because it was impossible to define the term intimidation, and terms of that kind, that the English law had provided the protection of trial by jury for anybody charged with the offence. The Irish people were denied that protection by this Bill, and that was why he and his hon. Friends were urging the Government to assent to some limitation of the terms of an Act which the magistrates and police were to administer. The Home Secretary had informed the Committee that the great object of the clause was to put down "Boycotting." It appeared to him that there had been a good deal of nonsense talked about "Boycotting;" there had been far more twaddle talked about "Boycotting" than about anything else. He was in favour of "Boycotting." He believed that "Boycotting" was a natural, proper, and necessary remedy under certain circumstances, and he believed the people of Ireland were perfectly justified in having recourse to that weapon. But there was "Boycotting" and "Boycotting." The "Boycotting" which he justified was not the "Boycotting" which had been described by the Home Secretary or by the Chief Secretary to the Lord Lieutenant. Those right hon. Gentlemen had described the abuse of "Boycotting," and he would be anxious, as he believed every Member who sat around him would be anxious, to prevent "Boycotting" being used in the manner which had been so described. What was "Boycotting?" It was a social penalty for a social offence. If a man in this country committed a murder, or committed fraud, or committed perjury, or committed any disgraceful act which was a crime in the eye of the law, he was punished accordingly. The offender was "Boycotted" pretty effectually, for in some cases he was sentenced to solitary confinement. There were, however, offences outside any legal definition which worked as much injury as any of the crimes known to the law, and in Ireland those offences were committed with impunity by men whom the Government—soldiers, police magistrates, and Chief Secretary, with their suspecting power—were only too ready to assist. What could the people do to defend themselves against these offenders if they were prohibited from using the natural weapon of "Boycotting?" A man who deceived his fellows by first of all joining an organization, or urged other men to join an organization, and take up a certain attitude against their oppressors, and then renounced his promises, was a traitor, and deserved the term of traitor. A man who went to bid for a farm—["Oh, oh!"] Yes; he did not say one thing in Ireland and another thing in that House, and what he had said elsewhere he was prepared to say here. A man who went behind the back of his neighbour and bid for his farm, although he might have promised the organization to which they both belonged that he would take a totally different course, was a knave and a scoundrel. Such a man ought to meet with his deserts; he had been guilty of a social offence, and deserved a social penalty. If he knew such a man, and he had a flour store or a meal store, or a butcher's shop, he was justified in refusing—and he would refuse—to have anything to do with him, and if the man came to his store for food, he would refuse to serve him. He maintained that no law could compel him to serve a man against his will. It mattered nothing to him that other butchers, or bakers, or grocers in the same district did the same as he did. It might be that the man could not get food in the district—so much worse for the man—it was no reason that he should serve him. If the fellow chose to be a traitor to his neighbours, let him go elsewhere. But while he maintained the right of communities to adopt measures of that kind, he was perfectly free to confess that the man who used personal violence, or threats of personal violence, against the offender, or against anyone belonging to him, or against his property, was acting in a totally different way; he was abusing "Boycotting," and ought to be punished. He did not propose to screen a man who abused "Boycotting;" but he maintained that a reasonable and proper use of a natural and necessary weapon ought not to bring a man within the purview of this law. The Home Secretary told them he meant to put down "Boycotting" of every description, and he brought in this clause to effect that object. But would he effect that object? Not a bit. The Home Secretary knew perfectly well that no Act of Parliament could put down "Boycotting." If "Boycotting" was a natural outcome of the public sentiment of a district, they might pass a hundred Acts of Parliament, and they would never put it down. It went over a district searching in every part like the breeze; public opinion was formed gradually and imperceptibly, like the dawn of the morn, and they could not catch it in any part. They could not, by Act of Parliament or by police regulations, prevent it; and though they might attach great importance to the clause, in the hope of putting down "Boycotting," they would miserably fail. They would enable the magistrates and the police, and the landlord classes, whose creatures the Government were, to trample upon the people of Ireland; they would enable the authorities to terrorize most vexatiously over the people amongst whom they were stationed; they would give the power of a tyrannical search into every department of life, and to scrutinize every action, however innocent; they would enable them to interpret every look, and every word, and every action of every man, woman, and child as intimidation. It was this tyranny that the hon. Member for the City of Cork wished to guard against. He proposed to do that by defining what the offences were which should be considered to fall under a fair interpretation of the clause. It did appear to him that the definition or explanation which his hon. Friend proposed to insert were sufficiently comprehensive. The hon. Gentleman, however, was prepared to go further, and to accept any further explanation or modification which the Government might choose to propose. His (Mr. Arthur O'Connor's) principal objection to the proposal was, that it still left the people without that protection which was afforded by the English law to an English offender under like circumstances; in England they were so anxious to protect the man who was charged with an undefined offence, that they guaranteed to him the protection of trial by jury. Years ago, when an offence was committed which would come under this clause, the House of Lords consulted the Judges as to whether the meaning of a threatening letter should be decided by the Judge or by the jury —it was on the occasion of the House of Lords' Committee on Fox's Bill. The Judges gave it as their unanimous opinion that the matter should be left to the Judge, and not to the jury; but Fox's Bill provided, in a special clause, that it should be left to the jury to decide the meaning of a threatening letter. If the British were so anxious to secure these safeguards for offences in their own country, why did they refuse the Irish people the same protection? They told the Irish people that they were anxious the same laws should prevail in Ireland as in England, and the Attorney General told them the other day that this clause was drawn on the lines and in the spirit of the English law. It was an entire departure from the spirit and lines of the English law; it created new offences, and it dealt with them in a much more summary, arbitary, and cruel way than offences of a like character were dealt with in England. These were the objections he had to the clause as it stood, and it seemed to him that the Amendment of his hon. Friend the Member for the City of Cork (Mr. Parnell) was a very moderate one.

Sir STAFFORD NORTHCOTE said, no one could deny that the hon. Member for the City of Cork was within his right in making the proposal which had now for some considerable time been under discussion by the Committee; but he thought they must feel that the merits of that proposal had been now canvassed very fully, and that they, after all, were as likely to be able to come to a decision upon that particular proposal at this moment as they would be after any number of hours of further discussion. The real truth was, they were not discussing the proposal of the hon. Member for the City of Cork. Upon that almost everything had been said that was likely to be said, and for a long time it had been merely taken as a point of departure. They were engaged in discussing the merits of the whole clause, and the advisability of dealing with the offence of "Boycotting." The natural feelings of vexation which must be felt at the waste of time by a long discussion in trivial points would be very much aggravated if it was felt that an opportunity was taken, and an excuse was made, upon each and every small point which was raised in this way to discuss and re-discuss so large a question as that which was now before the Committee—he meant the question of stopping "Boycotting" altogether. Such speeches as those of the hon. Member for Queen's County (Mr. Arthur O'Connor), and of other hon. Gentlemen near him, were in direct opposition to that which had been declared to be the will of a very large majority of the Committee—namely, that effective measures should be taken to put down the offence of "Boycotting." Not only was that the feeling of a vast majority of the Committee, but it was unmistakably the feeling of the people of this country. They were not encouraged by what they heard, day by day, from Ireland; they were not encouraged to think that the reign of terror was at an end, so that they were likely to be able to dispense with exceptional legislation. Neither the accounts of crime committed, nor the failures of justice in cases where crime was brought before the tribunals in the ordinary way, encouraged them to believe that they could dispense with such legislation. Arguments which were founded upon an objection to exceptional legislation were arguments which men must take with this qualification—that the Committee had decided that they would adopt exceptional legislation, and that it was not enough to be told that this or the other point was contrary to the ordinary spirit of our laws, because they knew they were passing an exceptional Act in view of an exceptional state of circumstances. It was not right that the speeches that were made by hon. Gentlemen, in apology and praise of what was called the excellent system of "Boycotting," should be allowed to go unchallenged; it was not right that hon. Gentlemen should be allowed to take up the time of the Committee with such speeches when they were endeavouring to deal with such a question as the present. They knew perfectly well that the Government had undertaken this matter very much against their own natural inclination. ["No!"] Well, he assumed that a Liberal Government disliked anything in the nature of exceptional law, or what was called coercion; but, whether that be so or not, he thought the general feeling would be that they would not have undertaken such a matter as this, laying aside, as they had been obliged to do, a great deal of other Business which they felt to be important and they were anxious to proceed with, if they had not been strongly convinced, in the responsible position they occupied, that a measure of this kind was necessary for the maintenance of peace in Ireland. He earnestly trusted the Committee would support the Government in carrying through the measure they had proposed, allowing, of course, a fair and full discussion of all proposals of a *bonâ fide* character, but disallowing time to be wasted by discussions, which all tended to the same point, and which, in point of fact, were all directed against that which the Committee had already decided upon—namely, to put down the offence of "Boycotting."

MR. MITCHELL HENRY said, he thought the Committee was very much indebted to the hon. Member for Queen's County (Mr. Arthur O'Connor) for the speech he had delivered, because that speech showed how irreconcilable was the difference between the House of Commons and the hon. Members who advocated and justified "Boycotting." He (Mr. Mitchell Henry) took it that this clause was, in reality, a clause which, if carried in a proper and workable form, would prove the safeguard of the poor people of Ireland, who were suffering terrible tyranny from this very system of "Boycotting." He took it that the House of Commons, and the people of England and Scotland, and the respectable people of Ireland, were determined that "Boycotting" should be put down and rooted out from the face of the earth. "Boycotting," as it had been practised in Ireland—and he had said it before—indicated to his mind a condition of morality in that country, and on the part of those who adopted it, totally different from that which obtained amongst people who knew the real meaning of liberty. It seemed to him that many hon. Members who had talked loudly of liberty knew nothing of it, other than liberty to carry out their own laws, and to determine who should and who should not obey them. The hon. Member for Queen's County had said there were abuses of "Boycotting," and that he himself advocated a beneficial use of it. Well, he (Mr. Mitchell Henry) should like to ask the hon. Member who was to be the judge of what was an abuse? The only Judge in this country, or any country where the law was obeyed, was the law itself; and the very way in which the liberties of this country had been maintained had been by altering the law to suit the particular circumstances of the moment. The hon. Member for the City of Cork (Mr. Parnell) and other hon. Members had frequently spoken of what they called the "English" Trades Union Act. There was no such thing as the "English" Trades Union Act. The "English" Trades Union Act was the "Irish" Trades Union Act. It applied equally to Ireland as to England, and it defined exactly in the same way for that country as for this the offence of intimidation. He had always held that if that Act had been put in force at the commencement of "Boycotting," things would never have come to the pass to which they had arrived. But that Act had not been put in force, and the consequence was that the ingenuity of those who avowed the system had devised new forms of "Boycotting" which were calculated to carry out their own views, but which had resulted, at the same time, in destroying freedom of contract and freedom of nearly every other kind in Ireland. He knew tradespeople in Ireland who had been ruined for no other reason than because they had paid their rents; and he had received from Ireland the most pitiable and heartrending accounts of the condition of these men and their families, owing to that practice which the hon. Member had described as so praiseworthy. As for the poor tenants, hon. Members knew that there had been numbers of them who had been not merely ruined in their circumstances, but had been mutilated and even murdered under that system. "Boycotting," to be effectual, must be enforced, as they knew, by penalties. ["No, no!"] The hon. Member for Dungarvan (Mr. O'Donnell) said "No;" but he maintained the contrary. The first penalty, as had been said, was social ostracism; but when social ostracism did not answer, what followed? An hon. Member had spoken of "the dawn of the morning" when "Boycotting" commenced; and his reply was, whenever it had commenced, it was in the dead of the night that it finished and its terrible penalties were inflicted. His intention, in the best interests, as he believed, of the county he represented and the people to whom he belonged, was to support the Government in making this an effectual clause; and here he wished to point out a great inconsistency on the part of the hon. Member for the City of Cork, who, a short time ago, professed himself ready to accept what he repeatedly called the "English" Act—but which they knew was not exclusively an English Act—and its definitions. The hon. Member, then, was willing to accept "intimidation," leaving it without definition.

An hon. MEMBER: A prisoner can claim a jury.

MR. MITCHELL HENRY said, that was a practical example of the evil of referring to another Act of Parliament, when hon. Members did not know anything about the penalties in that Act. They were not enforced by juries at all; they were imposed by——

MR. ARTHUR O'CONNOR: The 9th clause enables a man to claim a jury.

MR. MITCHELL HENRY said, the great majority of the penalties were imposed summarily by the magistrates.

MR. ARTHUR O'CONNOR: They are not of necessity.

MR. MITCHELL HENRY said, he was not sure that he was right upon the point. But it was perfectly clear that in Ireland, if the Act was to be made workable at all, the cases must come, not before a jury, but a Court of Summary Jurisdiction; and what he would endeavour to do would be to make that Court of Summary Jurisdiction satisfactory. He would not intrust the provisions of this Act to ordinary magistrates sitting in all parts of Ireland; he had all along protested against the idea of intrusting these functions to the ordinary magistrates, and he would go any length to improve the status and qualification of the stipendiary magistrates who were to enforce the clause. It was a monstrous thing that a man who was not a lawyer——

THE CHAIRMAN: The hon. Member is now dealing with the 19th clause, which is not before the Committee.

MR. MITCHELL HENRY said, he was discussing the actual terms of the 19th clause, it was true; but, in doing that, he was only following the example set him by right hon. Gentlemen on the Front Opposition Bench, who had made considerable observation upon that section. But he would pass away from that subject, and would say that the hon. Member for the City of Cork should, in the spirit of his declaration, accept the word "intimidation," and then follow with the series of offences which he thought ought to be punished, as was done in the Trades Union Act, which was applicable to both countries. But what the hon. Member proposed to do now was something that would limit the meaning of the word "intimidation," and that would, of course, enable hon. Members who approved of "Boycotting" to invent new methods of carrying out the principle which they thought so desirable. Do not let the Committee forget that they had had frequent declarations from the other side of the House that it was the intention of hon. Members to drive a carriage and four through this Bill when it became an Act. They knew every effort would be made to defeat the operation of the measure and to render it nugatory, and this would succeed unless the House of Commons took good care that the determination of the people of this country was carried out; that "Boycotting" should cease to exist in Ireland.

MR. O'DONNELL said, he hoped he should not imitate the example of the Leader of the Opposition, who, after having been absent from the debate a large part of the evening, had proceeded to give the Committee a lengthened lecture, not a single word of which had referred to the Amendment of the hon. Member for the City of Cork now under discussion. The hon. Member for the County of Galway (Mr. Mitchell Menry) had stated that he was in favour of the clause passing the House as amended, as it put the law for preventing that objectionable intimidation in a good and workable form. Now, he (Mr. O'Donnell) was not in favour of the exact wording of the whole of the Amendment of the hon. Member for the City of Cork; but he was in favour of the clause being so amended as to make it more definite; or, in the words of the hon. Member for the City of Cork, more workable. He entirely agreed with the hon. Member for the County of Galway in saying that all kinds of violence, whether they went the length of mutilation and murder or not, should be rendered as impossible as any amount of ingenuity at the disposal of both sides of the House could make them; and, though the hon. Member for the county of Galway said that "Boycotting" could not be enforced without penalties, he (Mr. O'Donnell) held that the Committee ought to pass such a law which would entirely prevent the continued subsistence of all that part of "Boycotting" which depended upon penalties. Let no "Boycotting" subsist except that which consisted of opinion and not of violence. With these limits, the proposal of the Government would be admirable; without them, they could only be described, in the words of the hon. Member for Ipswich (Mr. Jesse Collings), as consisting of an expression of anti-Irish hate which was too prevalent in England at the present moment. There was no question that the hon. Member for Ipswich was right; that this Bill would be regarded, if this unamended clause was accepted, as, above all things, a monument of anti-Irish prejudice, and that it represented nothing but the baser instincts of the English nature. He (Mr. O'Donnell) had been pleading, a short time ago, for a more exact limitation and expression, and, in fact, for a more workable form of the clause; but the right hon. and learned Gentleman the Home Secretary had only replied to him with some jocose evasions. He had asked the right hon. and learned Gentleman what was he to do in the case of an individual in any community, say, in a village, becoming intensely unpopular, and the whole of the community "Boycotting" him? How could any provision of this Bill—how could the clause under discussion, in the slightest degree, deal with that situation? "But," said the Home Secretary, "we should take care to deal with the incitors to the 'Boycotting' of that individual." The Committee must know, however, that there was such a thing as "Boycotting" without incitement, and that was the most universal form of "Boycotting" in Ireland. He would tell the Home Secretary of one kind of "Boycotting" that would become universal when this Bill passed into law. The instant a summary magistrate—a coercionist magistrate — put the coercionist provisions of this Bill into operation, in order to protect some individual in the community, that individual would be a ruined man. He (Mr. O'Donnell) was perfectly certain of this—that if there could be one way more than another in which the Government could insure the ruin of the business of any man in Ireland, it would be by putting in force the provisions of this law for his protection. That would not be the case if the Government were to amend this clause, so as to make law and morality coincident—so as to make the provisions of the law find an echo in conscience and human nature. For instance, if they restricted "intimidation" to "*bonâ fide* intimidation" by violence and brutality, the Government would be able to put their law in operation by the conscience of the community; but if they wished to introduce into the Bill words to make it depend upon the arbitrary will of a magistrate to say that a man should be imprisoned for six months on a charge of intimidation, unless the sentence was ratified by the conscience of the community as well as the judgment of the Court, from that moment the man they sought to protect was a ruined man, as far as his business was concerned, whether he were a blacksmith, a grocer, a small trader, or a large trader. If they did not accept the reasonable Amendments of the Irish Party, and bring their Bill in a line with conscience and morality, then their attempts, by the exercise of gross tyranny, to protect particular individuals would only result in the complete ruin and "Boycotting" of those individuals. He was certain he could speak for the opinion of large districts in Ireland, and he was sure that there was not an Irish Member on those Benches who would not tell the Government the more severe they made their law the less efficient it would be, and the more indiscriminate they made this provision the more sure were they of failure; and that unless they accepted Amendments—he did not defend the exact words of the Amendment of the hon. Member for the City of Cork—but unless they accepted reasonable Amendments, distinguishing those combinations which were necessary for the protection of popular interests and that brutality which they all detested, the man they wished to protect would be a ruined man. The very fact that a man, deemed innocent and honourable by the rest of the community, was working out his terrible term of six months' hard labour, without trial by a common jury, would be enough to excite all the neighbourhood to "Boycotting" more effectually than if all the organs of the Land League had been preaching it up for months. Therefore, if the Home Secretary would condescend to take notice of the observations of so infinitely an inferior being as himself, he would ask him to remember this, and to recall the statement in 12 months' time—that he would see in every case, or in 99 out of 100 cases, in which this tyrannical clause was brought into operation for the protection of an individual, that, instead of protecting, he would only have ruined that man.

Mr. MITCHELL HENRY said, he wished to make a personal explanation. He had been too ready a short time ago to apologize to the hon. Member for Queen's County (Mr. Arthur O'Connor) on the subject of the Trades Union Act, for he found that he had been quite right in all he had said. The penalties under the Trades Union Act were without appeal if they were under a fine of £20. When the penalty was £20, or imprisonment without the option of a fine, an appeal was allowed. If, then, a man was fined £5 or £10, he would have to suffer suitable imprisonment without appeal, unless he paid it. The prisoner could only appeal to a jury in the more important cases; and in practice the majority of the cases were undoubtedly settled in the Court of Summary Jurisdiction.

Mr. O'KELLY said, the hon. Member for the County of Galway forgot that men who were convicted in England had been convicted by juries of their countrymen—[Mr. Mitchell Henry: No, no!]—at any rate, by magistrates who were in sympathy with the people of the country, and were not the representatives, as in Ireland, of a class. The men who would be trying these cases in Ireland would be men most willing to convict—men who would strain the law against the prisoners. Instead of using the law to effect justice, they would use it as a method of vengeance, not so much against men guilty of any offence, as against men who might have made themselves obnoxious in their districts for political reasons. If the Government honestly wished to put down crime, what objection could there be to their defining what the crime was which they wished to put down? What did they want with an Act which practically left the magistrates the judges of the crime—not merely judges of the effects, but judges as to whether the crime had been committed—and who would magnify in their own minds perfectly innocent acts into crimes? What the Irish Members wanted was that these crimes, whatever they might be, should be put down in black and white in this Act, so that every man might know what the law was. If the Act passed in its present shape no man would know what intimidation meant, what the limits of the law were, and whether certain action was within the law or outside it. As a matter of justice, and as a protection to the subject, it ought to be the desire of this Committee, and of those who administered justice in Ireland, that the law should be so defined that every man should know what it was, and would not have to be brought before a tribunal that would be regarded with suspicion by the general community, and tried for an offence that would exist principally in the imagination of the men who tried the cases. If the Government simply wished to exact justice, if they wished simply to protect the peace of the country and the freedom of each individual, he, for one, should be just as anxious that the law should be passed for the complete protection of each individual in the country as anyone in this House could be; but what he objected to was, that they were proposing to pass a law so wide, so undefined, that no man would know whether he was committing a crime or not, that no man would know whether the simplest word of criticism he might speak of his neighbour, or of an obnoxious person in his district, might not, in the imagination of a local magistrate, be constituted into a crime. Even the hon. Member for the county of Galway (Mr. Mitchell Henry) would admit that the magistracy of Ireland was not regarded with confidence by the people; and now, after the passing of this Act had conferred upon them extraordinary and exceptional powers, that magistracy would be regarded with more suspicion than ever. It was necessary, then, in the interests of peace and justice, that the people should be convinced that this Act was administered with the strictest justice and the strictest respect for the law. If they left it in its present condition, that opinion and that belief would not exist in Ireland; and, so far from its ever conducing to the establishment of peace and order, it would come into Ireland as a firebrand to increase the detestation and the suspicion with which the vast majority of the Irish people regarded the English laws—and so far from leading to the suppression of serious crime, it would have a tendency to increase it.

SIR WILLIAM HARCOURT said, he would appeal to the Committee to come to a division. They had been for three hours discussing the Amendment put down by the hon. Member for the City of Cork, but in which, he was bound to say, that hon. Member did not seem to have taken a very deep personal interest; in fact, the Amendment had been moved by the hon. Member for Wexford (Mr. Healy), and he was not aware that the hon. Member for the City of Cork had said a single word in support of it. It had been supported by several hon. Gentlemen who described themselves as supporters and friends of "Boycotting;" but these Gentlemen, he ventured to say, were hardly likely to recommend the Amendment to the majority of the Committee, as the great majority were not in favour of "Boycotting." The hon. Member for Queen's County (Mr. Arthur O'Connor) had said he was all for "Boycotting," and the hon. Member for Dungarvan (Mr. O'Donnell) had said very much the same thing, and had pointed out all the forms of "Boycotting" that would be adopted when this Bill was passed. Surely, that could not be an argument for an Amendment to define the particular shape and form in which "Boycotting" should be illegal. He (Sir William Harcourt) ventured to point out to the Committee that the subjects which naturally arose on this Amendment had been exhausted over and over again in this discussion. The point before them was not whether they ought to have some clause against "Boycotting," because that question hon. Members would have an opportunity of discussing when the clause was put; but the question they had to determine was, whether, assuming, as they did assume, that this clause would be passed, that was a proper way to define the offence of "Boycotting." If they were to have nothing like a *bonâ fide* discussion on the matter, they ought now to be allowed to come to a decision.

SIR JOSEPH M'KENNA said, that if this clause merely aimed at the suppression of that kind of "Boycotting" that was practised against Captain Boycott, no man on the Conservative side of the House would support the clause more strenuously than he should; but he thought it went a little further, and that they really did require some such Amendment as that proposed by the hon. Member for the City of Cork to be taken into consideration at this stage. It must not be assumed that those hon. Members on either side of the House who supported the Amendment of the hon. and learned Member for Dundalk, or who might vote for this Amendment, in the least degree supported the principle of "Boycotting." But "Boycotting" was a very loose sort of phrase, and was capable of a thousand definitions or explanations. He wished, however, that the Committee would confine itself to the question before it. What they wanted was to have the offence so specifically pointed out that the people would know it. If it could be shown that the clause, as it stood as proposed by the right hon. Gentleman, would be effective in putting a stop to "Boycotting," he would support it without amendment; but he did not think it was sufficiently comprehensive, and rather justified the demand on their part.

MR. BYRNE said, that, up to the present time, he had not intruded himself on the House; he had not said one word since the Bill had been in Committee. He, however, felt it to be his duty to support the Amendment, and to express his abhorrence for the manner in which these clauses were worded. He was surprised that Her Majesty's Government had thought it their duty to use such language in the Bill, especially as they were a Government representing a free country. He should have thought that the people of any civilized country would have been astonished, and that every Member of this House would have been astonished, to find such language used—to find it said in a Bill of this kind that any act or word spoken in any manner should give power to the officers of the law to lock up a man for six months without the option of a trial by jury. Hon. Members might wonder why the Irish Representatives were contesting the Bill, and sticking so pertinaciously, clause by clause, to their attempts to get it modified in some degree; but he thought they would not be so astonished if they had had as much experience of the tribunals under which these offences would be tried as the Irish Members. He had some knowledge of the tribunals in England and Ireland, and he could not disguise from himself this fact, that whatever degree of fair play was given to criminals in England, fair play under all circumstances could not be obtained from the same tribunals in Ireland; and, with the permission of the Committee, he would give one or two short illustrations to show how the law was administered by the stipendiary magistrates and others in Ireland. It was well known that in Ireland the stipendiary magistrate went through a county, visiting the petty sessional towns here and there from time to time. In course of time he visited every petty sessional district in his county, and it was well known that whatever opinion was expressed or entertained by the Resident Magistrates was acted on by the stipendiary magistrate. There was one offence which was committed in England as well as in Ireland, but which occurred in Ireland, he was sorry to say, much oftener than it should—namely, the simple crime of drunkenness——

The CHAIRMAN: I beg to remind the hon. Member that the subject he is now referring to is not in the least germane to the Amendment before the Committee.

Mr. BYRNE said, that before the right hon. Gentleman ruled him out of Order, he would ask his permission to give one or two illustrations. He trusted that the Chairman would be fair enough to give him this opportunity.

The CHAIRMAN: The hon. Gentleman is giving illustrations of the action of magistrates in cases of drunkenness, and that, I would remind him, is not the subject before the Committee.

Mr. BYRNE said, he was mentioning decisions where men were brought forward for being drunk in order to show how irregular was the dispensation of justice.

The CHAIRMAN: The hon. Member, I say, is out of Order, and he cannot discuss those subjects.

Mr. BYRNE said, that being the case, he would refer to another matter—namely, as to whether the law was properly administered in Ireland. If the right hon. Gentleman would allow him, he would give an illustration taken from the Registration Courts. [*Cries of* "Question!" *and* "Name!"] He thought it would be fairer to the Chairman to give him a distinct statement of what he intended to say, and he now proposed to deal generally with the subject. He objected to this clause, because, when the Act came before the tribunals in Ireland, he feared that persons unfortunate enough to be brought before the Resident Magistrate would not have the same fair play, and the same justice meted out to them, as they would if they were in England. If they were certain that the law, especially Criminal Law, would be administered in Ireland by Resident Magistrates and other officials in as fair a manner as it was in England, they would not be so ready to fight this clause, the language of which was most extreme. With regard to what had been discussed so fully this evening—namely, "Boycotting," he altogether denied that it was an Irish institution or an Irish offence. The first time his attention was drawn to "Boycotting" was in an English newspaper, where, after an advertisement for some individual who was wanted to perform certain services, these words were added—"No Irish need apply." That was the first illustration of "Boycotting" he had ever noticed. But they need not go far to find that "Boycotting" was practised by almost all the Professions, even the learned Professions, and even the Clubs in London practised it. It was well known that not only in one, but in many Clubs in London was "Boycotting" practised; and as to the Professions, he had heard of cases where one doctor refused to meet another doctor in consultation because he had not a sufficient number of letters after his name.

The CHAIRMAN: I must ask the hon. Gentleman to deal with the Amendment before the Committee.

Mr. REDMOND said, that on the point of Order might he be allowed to submit that the hon. Member was only illustrating the practice of "Boycotting," and that similar illustrations had been allowed to be given by other Members.

The CHAIRMAN: The question before the Committee is the Amendment moved by the hon. Member for the City of Cork, and I ask the hon. Member to keep to that Amendment.

MR. BYRNE said, he was always ready to submit to the ruling of the Chairman, and he was speaking literally to the point. He could not advocate the Admendment without, in the strongest language, condemning the original text of the clause. If they were to improve that clause, he must comment both on the advantages of the Amendment and the disadvantages of the clause; therefore, he would ask the Chairman, as he had asked him before, to allow him to illustrate his argument as hon. Gentlemen on the other side of the House had been permitted to do. When he said that he himself had never advocated "Boycotting," he was entitled to some little respect and consideration on the subject. Although he had never advocated "Boycotting," considering the circumstances of the country, he agreed with some hon. Members that there was no other course left open to the Irish people but to defend themselves when there was no one else to defend them. He might say, in passing, that the Government themselves practised "Boycotting." They "Boycotted" the Irish Members and the Irish people. There was not a single Irish Member in the Cabinet, and all the magistrates of Ireland were either land agents, bailiffs, or persons appointed from the landlord class. London was a place where "Boycotting" was carried out to perfection; and if the Bill were to pass as at present worded, he ventured to say that no one in Ireland would be able to speak to his neighbour, or anyone else. In point of fact, a third party must never be mentioned, because if one person were to speak to another about a third person's crops, or his tillage, or advise the people to pay rent, some official or policeman would be able to bring him before the magistrates and have him tried without a jury. One of two things must happen if the Bill passed in its present form—either the people, rather than fall into the traps prepared for them, must leave Ireland; or they must avail themselves of those disorderly practices he had never approved of, and never would approve of, and take the law into their own hands. He would ask hon. Members to be just to his country, and not to legislate for it in hot haste, not to legislate for it in the panic and passion which possessed them at the present moment. If they did so, as certain as they sowed the wind would they reap the whirlwind. They had just passed a clause doing away with trial by jury; but he would venture to say to the Executive that it was not short of juries they were, but short of witnesses. If public speaking was put a stop to in Ireland, if a man was not allowed to speak to his neighbour in the most legitimate manner, if a shopkeeper was obliged to serve every one in his town or village that a policeman said he must serve, the people of Ireland would find the means, as other people had found the means, of evading the oppressive laws. If a policeman in Ireland was to be able to say to a shopkeeper—"If you refuse to sell a loaf of bread, or a stone of flour, to such and such a person, I will prosecute you," he (Mr. Byrne) did not see why those shopkeepers should not follow the example set them in London, and adopt the co-operate system, turning their shops into co-operative stores, and selling only to members. They could then have what members they pleased, and sell to whom they pleased. The Irish people were now fully aware that they had rights, and they would, under all circumstances, find the means of maintaining those rights. Do not let Parliament make this Act too stringent—let them make it so that it would apply only to evil-doers. For his own part, he did not care how much they punished evil-doers; but do not let them arouse the temper of the whole Island simply because they wanted to prosecute a few men.

MR. JUSTIN M'CARTHY said, he did not intend to keep the Committee very long; but he had not taken any part for the last few nights in the debate, and he felt inclined to say a few words on this Amendment and clause. The Amendment, to his mind, seemed to endeavour to lay down some definition of a certain class of offences. They had heard a great deal in the course of the discussion about the desire of the Government, as nearly as they could, to act on the lines of the Act of 1875; but in this clause the Government not only did not keep to the principle of that Act, but in one or two instances they went directly in opposition to it. What were the principles of the Act of 1875? One great principle of that measure was that it placed the employer and the workman exactly on the same level as to these laws. The other great principle was that it declared no act to be illegal when done by a combination of men which was not illegal when done by a single man acting on his own account. Those would be allowed to be the material principles of the Act of 1875; and he would ask the Committee whether the present clause did not go directly against these principles? It did not place the two classes on an equality before the law. The Irish landlord corresponded with the employer in the English Act, and the Irish tenant corresponded with the workman. The Bill before the Committee made that an offence when committed by one class which would not be an offence if committed by the other, and it made a thing illegal when done by a single man which was not illegal when done by a combination of men. This was a grave defect in the clause, and, added to that, was the serious defect that it did not define the new offences. In some parts the clause had a vague and shadowy meaning that might cover almost every word, or deed, or look. The Amendment of the hon. Member for the City of Cork was an honest endeavour to improve the clause by, at least, setting up some definition of the offence; but it hardly seemed to him to be the business of the Irish Members to supply definitions. It was the duty of the Government to do it, and it was only when they would not that someone else had to come forward and do their work for them. It seemed to him most monstrous to wish to retain in the clause words like these—

> "In this Act the word 'intimidation' includes any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

There was hardly anything which a person might do which could not be included under that clause—a sullen look, a significant glance. Take the offence of "Boycotting." No matter how stringent they made the clause, in order to put a stop to exclusive dealing, they would never be able to prevent it. A man might simply announce that he was himself determined not to deal with a particular tradesman; he might give no advice to others, but the hint might go round, and exclusive dealing might be established as effective and general as any other form of that practice. He held that the clause was most objectionable, and that the Irish Members were bound to oppose it.

MR. PARNELL said, the reception this Amendment had met with at the hands of the Government represented the true spirit which underlay their action in regard to the clause. Nothing, he thought, could be fairer than the proposition he had made in asking that some definition of intimidation should be given. The right hon. and learned Gentleman the Home Secretary had, practically, a choice of two courses so far as the Irish Members were concerned. He could either adopt the construction of the Trades Union Act—the Conspiracy Act of 1875—which stated that intimidation was to be of a personal character, or else define the intimidation which he wished to provide against. The right hon. and learned Gentleman, however, would do neither the one nor the other. He insisted upon retaining these very wide and sweeping provisions, which could only have the effect of placing it in the absolute power of the stipendiary magistrates throughout the country to deal as they pleased with any movement or organization for any purpose whatever which might be set on foot in Ireland. They had had a definition of what the Government desired to put down. They had been told that the Government desired to put a stop to notices of a threatening and illegal character, to put down the "Boycotting" of persons by having them followed through the town by a bellman. They had offered the Government that. They had been told that the Government wished to prevent the holding up of persons to public odium. They offered the Government that. They had been told the Government wanted to prevent violence being used against any person. They offered the Government that. And they said, moreover—"If you desire any other definition of intimidation, place it on the Paper, and we will be most happy to consider it in the fairest possible manner, and yield to it if we possibly can; but we object to a clause which gives such enormously wide and vague powers as this." The Irish Members contended that these powers were unprecedented in the history of the government of any country, and that no Government ever before sought from any legislation such powers for the purpose of putting a stop, not to intimidation, but to combination. They had in India a Government of an autocratic kind, a Government in which the people were absolutely deprived of any representation whatever, and there had been a land question in India, just as there had been a land question in Ireland; and yet, even in India, where they did not require the assent of any Representative Assembly to their legislation, they had never ventured, with so many millions of people under their control, constituting a power and a danger far greater than the Irish people—they had never asked, against these teeming millions in India, the power they were now asking against the few insignificant millions in Ireland. They had shown, by the demand they made, an absence of all trust and confidence in themselves, and a desire to repress and trample on the Irish people, which would assuredly re-act upon themselves. They had cast to the winds all desire to be pacific, to trust to the honour of the people, and they had determined to rely upon brute force and the exertions of a section of men who were hated and detested, and that with good reason, by the great majority of the people of Ireland. It appeared to him to be useless to appeal to the right hon. and learned Gentleman the Home Secretary. The right hon. and learned Gentleman might have his own reasons for the attitude and the course he had taken, but he (Mr. Parnell) believed that the result of his action would be that the Cabinet, of which he was a Member, would be dragged to destruction; and the Government might thank themselves if this and other results which he had ventured to predict should come to pass. They might thank themselves for retaining amongst their number a right hon. and learned Gentleman, who, if he had any Liberal instincts at all, had only the instincts of the official and the man who desired to retain his seat at any price. To the right hon. and learned Gentleman, by the attitude he took up last Session in reference to this whole matter, were attributable, quite as much as to the right hon. Gentleman the Member for Bradford, the misfortunes that had come on Ireland and the Government of Ireland during the last 12 months. If the right hon. and learned Gentleman knew the real state of things in Ireland and in America—and he had stated that he did know—he had deceived the House. If he did not know, he had no right to speak about it. It appeared that he had not, even in 12 months, got rid of his scare about O'Donovan Rossa; and he said he was constantly reading columns and columns of seditious literature in the American newspapers. He (Mr. Parnell) could only say he wished the right hon. and learned Gentleman would read instead the Irish-American newspapers. Instead of finding them full of sedition, he would find them even more moderate than the Irish newspapers at home. Surely, it was not too much to hope that the right hon. and learned Gentleman would allow himself to be instructed, even at the last moment, and would take some trouble to inform himself as to what was the opinion of the Irish people at home and abroad, and that, having so informed himself, he would become a true repeater of that opinion. It was one of the most lamentable things that the Irish people had to face—that on an occasion like the present, when they were seeking to introduce reasonable Amendments, the Government would make no concession to the popular voice of Ireland.

MR. MACLIVER said, he rose to Order. He apprehended that the Committee would feel that the hon. Member was travelling very wide of the clause now under discussion. The Chairman, he thought, might very fairly call on the hon. Gentleman to address himself to the subject before the Committee.

THE CHAIRMAN: I was very much relieved to find that the hon. Gentleman was coming to the clause.

MR. PARNELL continuing, said, he thought that what he had said previously was a fair and proper introduction to what he should have to say now. He said it was most unfortunate that when Irish Members were asking the Committee to agree to the insertion of an Amendment to a Bill of this character, which would allow the Government in Ireland to treat the people as reasonable beings, as people of some self-control, and entitled to some confidence, and not as brute beasts, they had to contend with the crass ignorance of the right hon. and learned Gentleman the Home Secretary. They had been very fair in placing these definitions before the Committee. They were put forward for the purpose of inviting expressions of opinion; and although they had not been met specifically, the conduct of the Government had been sufficient to show their hand. He could see no hope for Ireland, and no hope for the Government, or success for their policy of conciliation, so long as Ministers continued to reject every reasonable Amendment which Irish Members asked them to accept in reference to this Bill. He could see nothing but disaster for Ireland and this country, for he conceived the Government were doing the lowest and dirtiest work that had ever been done with regard to Ireland.

Mr. NEWDEGATE said, the hon. Member for the City of Cork must believe that the House had a very short memory. He would read a portion of a speech delivered by the hon. Member last year, in which he described the state of Ireland as being totally exceptional, and alien from the condition of any other part of Her Majesty's Dominions. But he now rose and expected the House to treat Ireland as if it were similar in its condition to Yorkshire. That was totally unreasonable, and he would prove it by the hon. Member's own words. On the 3rd June, 1881, the hon. Member said——

Mr. BORLASE rose to Order. He asked whether the speech of the hon. Member for the City of Cork was relevant to the debate?

The CHAIRMAN said, he had not yet heard the speech.

Mr. NEWDEGATE said, he trusted that as the hon. Member for the City of Cork had been permitted to conclude his speech, a similar indulgence would be extended to himself, for it was a rule of that House that an hon. Member had a right to answer any speech that had been permitted by the authority of the Chair.

The CHAIRMAN said, he had pointed out to the hon. Member for the City of Cork that his speech was rather wide of the Amendment. He trusted the hon. Member for North Warwickshire would speak to the Amendment.

Mr. NEWDEGATE said, he should certainly speak to the Amendment, and he claimed nothing more than the right of speaking on the topics which the hon. Member for the City of Cork had been permitted to enter upon. He said that when that hon. Member asked the House to extend to Ireland the same principles of government as were involved in the Act of 1875 with respect to disturbances in trade, he should first prove that the condition of Ireland was similar to the condition of Yorkshire. That was, in his opinion, but a reasonable proposition, and he therefore desired to quote the description given by the hon. Member last year of the condition of Ireland. The words of the hon. Member were that—

> "There had never yet been open rebellion in Ireland which was taken up by more than a small section of the population. In 1798, only three counties were up, and it taxed all England's resources to put them down. He believed if, at the present moment, any revolutionary party made a determined appeal to the Irish people every county would join in a rebellion against English rule."—[3 *Hansard*, cclxii. 96.]

Mr. BORLASE said, he rose to make another appeal to the Chairman as to whether this speech was relevant to the question before the Committee?

The CHAIRMAN said, he could not see the slightest relation to the question before the Committee in the speech of the hon. Member.

Mr. NEWDEGATE said, he would not oppose his opinion to that of the Chairman. They had been for a day and a-half debating this clause; and the difference between the hon. Member for the City of Cork and the great body of the Committee was that he claimed that the same principles should be applied to the government of Ireland that were applied in 1875 to the government of Yorkshire. He thought he had read enough of the speech of the hon. Member to show that the condition of Yorkshire during the strike and during the great disturbances there was totally different from the description given by him of the condition of Ireland in June last. At a time like the present, when this important Bill was before the Committee, it was simply absurd to compare the state of Ireland with the state of Yorkshire. Seeing that the Amendments proposed struck at the very principle of the clause, and tended to render it totally inefficient under the circumstances of Ireland to which it was to be applied, he said that the opposition directed against the clause was really opposition to the Bill itself, which, by repeated and enormous majorities, had received the sanction of the House. He would give the Committee, very shortly, the specific which the hon. Member suggested as an alternative to the coercive legislation which he had done so much to render necessary. He (Mr. Newdegate) had adverted before to the speech of Archbishop Croke, and he would now furnish the House with the observations of the hon. Member on that subject. He said—

> "The Government would do well to try the advice of Archbishop Croke, and see what would happen if they withdrew their troops and police from Tipperary for a single month; he felt sure that the priests would be responsible for the peace and order of the county, and there would be an entire cessation of outrages."—[*Ibid.* 97.]

MR. MACLIVER rose to Order. He appealed to the Chair as to whether it was not time that this remarkable speech should come to an end?

THE CHAIRMAN said, he must point out to the hon. Member for North Warwickshire that he was again travelling beyond the question. He had spoken for some time towards the Amendment, but was now altogether outside it.

MR. NEWDEGATE said, he had endeavoured to speak on this subject within the ordinary rules of debate. He asked hon. Members if they approved the specific of the hon. Member for the City of Cork, because it was clear that the Amendment before the Committee and every Amendment he had proposed were strictly in accordance with the spirit announced by him on the 3rd of June last year. The opposition of the hon. Member was against the Bill itself, and that alone was the meaning of the present Amendment.

MR. T. P. O'CONNOR said, he thought the condition of demoralization at which the Committee had been reduced did not argue well for the disposal of the remaining clauses of the Bill. The hon. Member for the City of Cork attributed to the Home Secretary a profound degree of ignorance upon the question under discussion, and he went on to speak also of the general attitude of Her Majesty's Government. Now, he did not want to say anything disrespectful of Her Majesty's Ministers; but he was bound to say that the position at which the Committee had arrived, to use the most moderate language, was due to the imbecility of Her Majesty's Government.

MR. HENEAGE asked if it was in Order to use the term imbecility toward any Member of the House?

THE CHAIRMAN said, the expression was not altogether un-Parliamentary.

MR. T. P. O'CONNOR said, he had used language neither un-Parliamentary nor irrational. What was the position of Her Majesty's Government? They said they were willing to limit and define the clause; nevertheless, they did not bring forward any limitations or definitions, from which it was clear that they had come before the House when their minds were not made up. Ministers were generally absent when these questions came up, and the Home Secretary, in consequence, became master of all he surveyed. But the right hon. Gentleman the Prime Minister was conspicuous not merely by his absence, but still more so by his silence on every part of the Bill whenever a question of importance was being discussed. Now, he put a fair challenge to Her Majesty's Ministers. They said they were in favour of the limitation of this clause, and in favour of having a definition in the clause, but, at the same time, they objected to the words proposed by the hon. Member for the City of Cork. Well, let them produce words of their own, and not keep the Committee any longer in ignorance of their intentions in this matter. He thought it was time for the Prime Minister to take the Bill out of the hands of the Home Secretary, whose incompetency to deal with it had already been abundantly proved, and for the right hon. Gentleman himself, or one of his Colleagues, to come forward and state the Government intentions. If they were to be left to the mercy of the two right hon. and learned Gentlemen the Members for the University of Dublin, he thought the hon. Member for the City of Cork had better retire altogether, because it appeared that all the Amendments emanating from Radical and Irish Members had been put forward in vain. Not a single definition had yet been given by the Home Secretary; and, therefore, he appealed to the right hon. Gentleman at the head of the Government not to take refuge in melancholy silence, but to say whether he would agree to an Amendment necessary for securing the confidence of the people of Ireland.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 36; Noes 247: Majority 211.—(Div. List, No. 118.)

Mr. HEALY proposed, in line 16, to leave out the word "any," and insert the word "such." The hon. Member pointed out that the clause provided "that every person who should, wrongfully or without legal authority, incite any person;" and he proposed to substitute "such" for "any" in that case. Somebody must be intimidated, somebody must make a speech or commit an action; and it seemed to him necessary, for the grammatical sense of the clause, to make that more clear by introducing the word "such."

Amendment proposed, in page 3, line 16, leave out "any," and insert "such." —(*Mr. Healy.*)

Question, "That the word 'any' stand part of the Clause," put, and *agreed to.*

Mr. BRYCE said, he was very sensible of the difficulty which any Member would have in bringing an Amendment before the Committee at that time of the night, especially after such an exhaustive discussion as had taken place; but he would not detain the House long in stating the case for the proposal he had to make. The Committee was now at not only one of the most difficult parts of the Bill, but one of the most knotty points in the whole field of law. It was because he despaired of finding any definition of "intimidation" which had any chance of being accepted by the Committee that he proposed to do without a definition altogether. He did not bring forward his Amendment in the interest of any particular section in the House, and he did not know what view would be taken by Irish Members. He brought it forward in the interest of the Committee itself, which saw before it a long and tedious list of Amendments to the definition in the clause, which must occupy a very considerable length of time. He thought that difficulty would be best met by leaving out the definition, or rather the attempt at a partial definition, proposed by the Government altogether. If they could not untie the knot, they had better cut it. As to the concession made by the Home Secretary to add certain words to the definition, he thought they would make no real difference at all. It appeared to him that the proposed addition would only express a second time over what was already sufficiently expressed in Sub-sections *a* and *b*. He did not understand the Home Secretary to say that any substantial difference would be made by the words he proposed to add; in fact, the legal effect of the clause would be precisely the same. He entirely agreed that everything in the definition was governed by Sub-sections *a* and *b;* but even so, the definition went much beyond the natural and ordinary meaning of the word "intimidation." That was illustrated by the fact admitted by the Home Secretary, that he would make unlawful things which were perfectly lawful when done by trades unions. The right hon. and learned Gentleman admitted that these words would make the acts of trades unions unlawful; but he also argued that the Act of 1875 would protect trades unions, and, therefore, it would not apply to such cases. Surely it was very singular that Acts which were admittedly legal when done by trades unions in England should become, under this clause, punishable in Ireland with a penalty of six months' imprisonment when done by others than trade unionists. What cause could be assigned for such favour being given to trades unions, which were not very long ago held to be dangerous associations? Any words would come under this definition which caused fear to any person or injury to his business. Any person who uttered a word, or did any act, which was calculated to put a person in fear of injury to his business, or living, would come within the Act; and it was easy to imagine an immense number of words which might be spoken, or things which might be done, which would put a person in such fear, and therefore come under this clause and yet which would not be, in any fair or natural sense, offences deserving punishment. Not long ago, a proposition was made in this country by a society of philanthropic ladies that customers should not deal with shopkeepers who did not supply counter seats for their assistants. If, however, any lady went into a shop, say, in Dublin, where seats were not provided for the assistants, and, finding that the young women who acted as shop-assistants were suffering from fatigue, declared she would not deal with that shop, because seats were not provided, she would come under this clause. Now, was it desirable to bring under the terms of this Act words which would be far from culpable, and might be dictated by the highest motives, though they undoubtedly threatened an injury to the shopkeeper in his business? Anybody could imagine a large number of similar cases which would come under this clause, but which nobody would think of condemning or desire to punish. It might be said that a reasonable interpretation must be allowed, and that it was not fair to argue upon extreme cases. He admitted that; but if they had such confidence in the magistrates and the Court to which appeal lay, as to hold that they would not press this definition strictly, why should they not be trusted a little further, and left to put a proper meaning on the term "intimidation" without having this elaborate and difficult, yet incomplete definition? He was aware there were objections to that; but it seemed to him that if the Judges were trusted to interpret the word "intimidation" with the partial and unsatisfactory definition in the clause, they might be intrusted to interpret it without any definition. The words in this clause, in fact, carried the word "intimidation" far beyond its natural sense, which meant what put a man in serious terror —such terror as would be too much for a man of firm mind. That, however, was not the meaning which would be attached to the word as defined in this clause. It was here extended to fear which would not necessarily affect a man of firm mind—that was, it was given an extension which the Courts had never yet given it. It was admitted that the principle of the English Act ought to be followed. Section 7 of that Act contained the words—"Any person who uses violence towards or intimidates such other person." The word "intimidates" had been found amply sufficient under that Act, and he did not see why it should not be sufficient under this measure. Why was it necessary to incur a difficulty which might be avoided by omitting the definition? He quite agreed that "Boycotting" must be stopped, and he had given the best proof of his holding that view by voting against the Amendment of the hon. and learned Member for Dundalk (Mr. Charles Russell). To put down the really pernicious forms of "Boycotting," including the extremer cases of exclusive dealing, they had better proceed by adopting the language of common sense, without any definition at all. No doubt, the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) would say that they could not abandon the definition; and any attempt to amend the definition would be, no doubt, resisted by those hon. and learned Gentlemen who represented that a perfectly harmless and, indeed, nominal change proposed by the Home Secretary, some time ago, would involve a serious danger. He might be told that the magistrates were unfit to administer the Bill, and that a definition was, therefore, necessary; but the answer was that there was to be a power of appealing to another Court, by which any wrong done would be corrected. He submitted that the simplest way out of this difficulty would be by abandoning this imperfect definition altogether.

Amendment proposed, in page 3, line 24, to leave out from the word "Act," to the end of the Clause.—(*Mr. Bryce.*)

Question proposed, "That the words 'in this Act the expression 'intimidation'' stand part of the Clause."

DR. COMMINS said, he cordially supported the Amendment, because he believed that this portion of the Bill would do a great deal more harm than good, no matter from what point of view it was regarded. Looking at the Bill as one which was necessary, and which ought to be framed so as to meet the evils it was designed to meet, this clause went a great deal further than was necessary. No warning could be given to people; no active advice could be given of the most innocent kind which would not fall within this definition of "intimidation." "Any word calculated to put any person in fear of injury to his property, or business, or means of living," were the words of the clause. Supposing a person was going out in a boat, and someone else advised him not to do so, because the boat was rotten, that person would come within the four corners of this definition; or, if a man advised another not to go out without an overcoat, because there was likely to be rain, when he might get wet and catch a cold, he would also come within the Act. No word of advice or warning could be given to guard a person from danger, which might not be construed as coming within this definition. There were still worse faults in the clause. Attention had already been called to the fact that the framers of this Bill seemed to delight in "running amuck" against all the most cherished principles of English jurisprudence. One of the most cherished principles of jurisprudence in every civilized country was that no act could be criminal unless the intent with which that act was done was criminal itself. That was one of the oldest maxims; but here was a definition deliberately repealing that, and, as the right hon. and learned Gentleman the Member for the Dublin University (Mr. Plunket) had said, insidiously repealing it. Why was the word "calculated" substituted for "intended?" Because it was intended to make acts criminal where there was no criminal intent. The word "view" was used instead of the word "intent" for the same purpose—namely, to make an act criminal in which there was no criminal intention on the part of the doer. That was such an innovation on the principles of our jurisprudence that he could only characterize as atrocious. It would lay snares for the people, and no person who acted with a philanthropic spirit could escape this Act. This clause was designed to do away with one of the greatest principles of law, which was to protect persons who were guiltless of criminal intent; and it was so wide as to embrace and catch every act of warning and advice, however innocent might be the intention, and however much it might be for the benefit of the parties to whom it was addressed.

Sir WILLIAM HARCOURT thought the hon. Member might have spared a good deal of his indignation upon the deliberate proposal of the Government, if he had attended to his (Sir William Harcourt's) statement, that the Government intended to omit "intent" for the expressed purpose of providing that the intention of the act should be criminal. With reference to the Amendment now proposed, the Committee had already discussed the question whether or not the definition should be omitted. He quite admitted that if "intimidation" was to be interpreted only by professional men, any exposition of "intimidation" would be superfluous, not because, in his opinion, there was anything in this clause which ought not to be there, but because he believed that to the professional mind the word "intimidation" would convey everything that was in the clause. Therefore, the mere question was, whether or not it was better to have this exposition of "intimidation" or not? He believed that a Judge would find that "intimidation" would contain everything contained in the latter part of the clause; but he was satisfied that this part of the clause could not be dispensed with. First of all, it was not merely constructive, but, as had already been pointed out, there must be some indication given to the people of Ireland as to what responsibility was upon them. The ordinary people of Ireland might not understand, as a Judge would understand, that the word "intimidation" included actions which involved an injury to a man, or a loss of business or means of living. If they did not understand that, they would not understand how the word "intimidation" was intended to strike at "Boycotting;" and he considered the value of this section of the clause was, that it made it clear and intelligible to every man in Ireland that the clause was intended to strike at "Boycotting." That was the whole question, and he did not think it introduced anything not already contained in the word "intimidation," which was useless for public purposes.

Mr. LEAMY said, the right hon. and learned Gentleman might, from his point of view, have very good reason for objecting to any Amendment made on that side of the House in favour of limiting the offence of intimidation. The proposition of the hon. Member opposite would enable any intelligent man in Ireland to know what intimidation was, and he (Mr. Leamy) thought it was the duty of Parliament in this matter to so word the clause that the magistrates who had to administer the law would be able to say what was intimidation and what was not. The right hon. and learned Gentleman said that this paragraph would be an indication to the people of Ireland of what intimidation was, and that it would explain to them what they must not do. It appeared to him (Mr. Leamy) that if they left that paragraph in, any man in Ireland would see he could hardly do anything or say anything without being brought within the purview of the clause. Suppose one tradesman was in the habit of dealing with another, and he said to him—"If you do not deal with me for bread, I shall not deal with you for grocery; and not only will I cease to deal with you, but I will endeavour to get other men not to deal with you." If a man were to make a remark of that kind, under this Act he would be liable to a charge of intimidation. The hon. and learned Gentleman (Mr. Bryce) who had just spoken, yesterday evening pointed out that if a number of tradesmen in a town agreed to close their shops and give a holiday to their assistants on a certain occasion, and that one man refused to act as the others did, and a number of his customers went there and said—"If you refuse to give a holiday like the rest, we shall not any longer deal with you." The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket), commenting on that case, said it was an extreme one, and that it was a thing that could hardly occur; that it was an illustration not worth considering. Now, he (Mr. Leamy) wished to put a question. He was perfectly certain that if the Lord Lieutenant were to come to a town in Ireland, and if a number of people agreed to close their shops, and to illuminate their premises in honour of the visit of the Lord Lieutenant, and if a certain number said—"We will not close our shops; we will not illuminate;" and if the others were to go to these shopkeepers who refused to close, and say—"If you do not close and illuminate your premises, we shall not deal with you," he was sure that in such a case the magistrates would not hold a man guilty under this Bill. But, if the hon. Member for the City of Cork (Mr. Parnell) went down to an Irish town, and a number of shopkeepers were to say—"We shall not close our shops, and we shall not illuminate in honour of Mr. Parnell's visit," and if a number of people said to those men—"If you do not illuminate we shall 'Boycott' you, or, in other words, we shall not deal with you," he was perfectly certain that, as persons using a threat, they would be sent to prison under this Bill. That was the way this Bill would be worked out. From the right hon. and learned Gentleman's own point of view, there was good reason for saying—"I shall accept no definition of intimidation which will tie the hands of the magistrates in dealing with cases of 'Boycotting;'" but that was not the proposition of the hon. Member opposite. The hon. Member opposite was quite willing that a man guilty of intimidation should be sent to gaol; but what he wanted was that words so vague and of so extravagant a character should not be put in the clause, which would prohibit mere criticism upon any man's conduct in Ireland. That was the reason why he (Mr. Leamy) supported the Amendment. He felt perfectly convinced and satisfied that they were giving the magistrates a power they ought not to have. In his opinion, it was proposed to give them too large a discretion; and he thought that by accepting this Amendment they would certainly enable magistrates to deal with all cases of "Boycotting."

MR. PUGH said, one could not but feel that the clause, as it stood at present, was too wide. He was not going to discuss the question of what the precise meaning of intimidation might be; but he agreed with the right hon. and learned Gentleman the Home Secretary that it was desirable, having regard to the want of knowledge on the part of the people of Ireland on the subject, and having regard to the possible lack of professional learning on the part of those who had to administer the law—it was desirable to lay down some rules for guidance in this matter. If that was so, it appeared to him that the rules should be as correct as they could frame them. They ought not to be so wide as to include as offences things which no one in his senses would consider offences. Many illustrations were put to the Committee on this subject, and he would venture to put one more, which he thought would come home to hon. Members. He would ask the Committee, whether the right hon. and learned Gentleman himself would have been safe, supposing that at the time of the last General Election a law of this kind had been in force in England? They all read the many eloquent speeches made by the right hon. and learned Gentleman at that time, and he (Mr. Pugh) had not the slightest hesitation in saying that a great number of electors were restrained from voting for the Conservative candidates, because they believed the speeches of the right hon. and learned Gentleman, and because they felt that if they did vote for Conservative candidates, they would not only risk their own means of living, but the prosperity of the country. He did not think that there was any doubt that a great many people voted for the Liberal Party owing to such a fear on their part. They felt that if they returned Conservatives to this House the prosperity of the country would be imperilled, and thereby their own means of living would be imperilled. He would not discuss whether that was the right view or not; but he had no doubt that was the reason why many people at that time voted for the Liberal candidates. Now, under the clause of this Bill, as it stood, if it applied to England, anyone who used arguments of that kind would be guilty of intimidation. The words were so very wide that any word, or any gesture, or any act, would be sufficient to cause the imprisonment of a man. He did not think that that was right; but, at the same time, he could not vote for the Amendment, because he agreed with what the right hon. and learned Gentleman the Home Secretary had said—namely, that it was desirable that some guide should be laid down. What he would venture to suggest was this—to leave out the words "word spoken or act done," and insert the words—

> "Conduct which, having due regard to the circumstances of the case, shall be deemed to have been intimidation, and."

So that the clause would read—

> "Calculated to put any person in fear of any injury or danger to himself," &c.

His reason for that suggestion was, that he wished, if possible, to point out to the magistrates in Ireland that no isolated word, and no isolated act, would be sufficient to bring men within this section; that they must have regard to his conduct or to the circumstances under which he spoke or acted. The word conduct was a word with which they were all familiar. They continually heard of riotous conduct and disorderly conduct, and it was by conduct that men must be judged. He thought they might fairly make a man's conduct the test of whether he was to be found guilty or not. Under these circumstances, he should have to vote against the Amendment of the hon. Member; but he trusted that his suggestion, or some other suggestion, would find favour with the Government, so as to limit the very wide application of this clause as it at present stood.

Mr. SYNAN said, that the word "includes" would enable a magistrate to go outside the definition of the clause altogether, and say that intimidation might comprehend other matters than those mentioned in the definition. Then the definition included innocent things, except so far as they were qualified by the words proposed to be inserted by the Government, making it the "intent" to put a person in fear; and in consenting to the insertion of these words they were admitting the Amendment proposed by the hon. Member for Sussex. He confessed he was rather inclined to vote for the Amendment of the hon. and learned Member for the Tower Hamlets (Mr. Bryce). He thought it would make the case stronger for the accused, and it would give less power to the magistrates to go outside the terms "wrongfully and without legal authority."

Mr. BRYCE said, before they divided, he trusted the Committee would allow him to say one word in explanation. He accepted, with pleasure, the remarks of the Home Secretary, but must repeat that his object in desiring to strike out the words at the end of the clause was that he firmly believed they would be misunderstood, and used in a manner which the Government did not intend.

Mr. O'DONNELL said, he confessed he was not present when the hon. and learned Gentleman who had just spoken moved his Amendment, and when the right hon. and learned Gentleman the Home Secretary was informing the Committee as to the sense in which this portion of the clause would be understood in Ireland. He was extremely sorry that he and a large number of Irish Members were not present when the right hon. and learned Gentleman was giving that very valuable information, because, in his opinion, there would be nothing more interesting than to hear from the Home Secretary how the words would be understood in Ireland. As an Irish Representative, he believed that these five lines would be exactly understood in the same sense as if that part of the clause ended at the word "done;" and if in that Act, the expression "intimidation" included any word spoken or act done. All the rest of the clause might be left out, because any word spoken or act done might, at the whim of a magistrate, be held to be intimidation. If the Home Secretary thought that the clause would be taken in any other sense, he was quite mistaken; and the only effect of passing the clause, which would literally forbid every expression of free sentiment and every expression of opinion with regard to the conduct of any man, no matter how vile that conduct might be—the only effect of this clause would be to make "Boycotting" a natural virtue in Ireland. If this clause became law he would not give much for the popularity of any man who was not a pronounced and conscientious "Boycotter."

MR. HORACE DAVEY said, he did not think that anyone could accuse the hon. and learned Member for the Tower Hamlets of a desire to exclude from the operation of the clause the offence of "Boycotting." They had the statement of the right hon. and learned Gentleman the Home Secretary and of the hon. and learned Gentleman the Attorney General that even without this definition the word intimidation itself would cover everything that was intended; and if he (Mr. Horace Davey) might express an opinion, he should say that it would cover everything which was intended to be included in the definition. His hon. Friend who had proposed this Amendment did carry a certain number of hon. Members on that side of the House with him when he said that the definition was apt to be misunderstood, and that it was apt to have a larger interpretation given to it than was intended by the Government. The magistrates or the Judges who would have to administer the Act must be credited with judicial discretion and with common sense, and, that being so, they must be trusted to interpret this Act in a rational way. That being so, it occurred to him that if an Act were placed in their hands which told them that if any person, wrongfully and without legal authority, used intimidation against certain persons, and committed an offence under that Act, he could not suppose for a moment that they would not include the offence of "Boycotting" under the term intimidation. Undoubtedly, there was an extreme difficulty in arriving at a definition which was satisfactory from every point of view to include the offence of "Boycotting," and to exclude which everybody, so far as he understood the feeling of the Committee, wished to be included. He confessed that, after much consideration, he must vote for the Amendment, not because he disagreed with the definition as the Committee understood it, but because he thought that the terms of the definition would be misunderstood by the country, and because the definition would go beyond what was intended by the Government, and, at the same time, was not necessary for the purposes of the clause. If he understood hon. Members opposite, they were also of opinion that the word intimidation itself would, in fact, give a stronger and wider authority to the magistrates than if the definition remained as at present. He was not of that opinion, but he thought it would give a discretion to the magistrates to say in any case what was intimidation.

MR. O'KELLY said, that, in view of the lateness of the hour, he begged to move that the Chairman do now report Progress, and ask leave to sit again. This was one of the most important clauses of the Bill, so far as the Irish Members were concerned, and he did not think that the Committee had full opportunity of discussing it in all its bearings at the present time. The Irish Representatives had devoted much time to the work of the Committee, and he thought that they had now arrived at such a time when the Government ought to assent to the Motion.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. O'Kelly.*)

MR. GLADSTONE said, the Amendment before the Committee at the present moment was not whether the definition should be adopted by the Committee in the terms which it was framed; but it was whether there should be any definition, and for that purpose the Question put from the Chair only embraced the adoption of the very first word of the subsection. Now, he did not submit that the question whether there should be a definition or not had been sufficiently discussed. It had been considered essential to a very great extent during the evening, and his hon. and learned Friend the Member for the Tower Hamlets, who had introduced the subject in a clear manner to the Committee, had fully stated his views, and was perfectly prepared to divide upon the subject. He (Mr. Gladstone) was very anxious that the Committee should have the fullest opportunity of considering the terms of the definition; but as to whether there should be one or not, he thought the Committee were quite determined. He hoped they would be permitted to go to a division now, and after that they would immediately consent to report Progress.

Mr. T. P. O'CONNOR said, that the hon. and learned Member for the Tower Hamlets did explain his views in the most clear and lucid manner; but he addressed them to a Committee one-third of which was asleep. ["No, no!"] Well, it might be one-fifth of the Committee; but, at any rate, there was a considerable proportion of hon. Members present at the time who were either asleep or not paying the slightest attention to the remarks of the hon. and learned Member. ["No, no!"] Well, that was a matter of opinion, and those were the observations he had to make with regard to the matter. Now, the right hon. Gentleman the First Lord of the Treasury dealt rather unfairly with the Committee. The question before the Committee was whether or not they should really define this clause in the Bill. If they accepted two words of the clause, they pledged themselves partly to the clause, and he and his hon. Friends wished to get rid of the clause altogether. It was very unreasonable on the part of the Prime Minister, and still more unreasonable on the part of the hon. and learned Member for the Tower Hamlets, to ask them to divide on so important a question at this early stage of the discussion. He hoped his hon. Friend (Mr. O'Kelly) would press his Motion to report Progress to a division.

Mr. BRYCE said, he ventured to make a strong appeal to the hon. Member who moved to report Progress, to allow the Committee to divide now. He submitted to hon. Members opposite that if they wished to have any Amendments moved from the Liberal side of the House, which they might desire to support, they certainly offered no encouragement to Liberal Members to move them. They would make it very difficult for English Members to propose Amendments of any kind if their Amendments were found to be laid hold of for protracting discussion to an inordinate length. He (Mr. Bryce) was satisfied with the discussion on his Amendments, and he did not think that much more now remained to be said in the matter. He was satisfied with the attention his own remarks had received, and he did very earnestly appeal to the hon. Member for Roscommon (Mr. O'Kelly) to allow the Committee to come to a division at the present moment.

Dr. COMMINS said, that there were two Amendments, one in the name of the hon. and learned Member for Dundalk (Mr. Charles Russell), and the other in the name of the hon. Member for Wexford (Mr. Healy), proposing to do exactly the same thing as the Amendment of the hon. and learned Member for the Tower Hamlets; so that, to say the least of it, it was hardly complimentary for the hon. and learned Member for the Tower Hamlets (Mr. Bryce) to say that all had been said on the subject that could be said. He believed that the hon. and learned Member for Dundalk would be able to add a good deal to what had been said on the subject, and he also believed that the hon. Member for Wexford would be able to address many very pertinent observations to the Committee. He certainly thought his hon. Friend was justified in moving at this hour to report Progress.

Mr. REDMOND said, he trusted the hon. and learned Gentleman opposite (Mr. Bryce) would not proceed to a division, and his reason for saying that was that this Amendment, although it might have been discussed sufficiently to satisfy the hon. and learned Gentleman himself, it had not been discussed sufficiently to satisfy the hon. Members who were mostly interested, and who sat with him (Mr. Redmond) on those Benches. He should be very sorry that any action taken by Irish Members should have the effect of preventing hon. Members such as the hon. and learned Member for the Tower Hamlets from taking part in the discussion of this Bill, and from endeavouring to mitigate its severity as much as possible; but it was impossible to forget that the efforts of such men as the hon. and learned Member for the Tower Hamlets to mitigate the severity of this Bill met with not one particle more of success than the efforts of hon. Members from Ireland. He and his hon. Friends welcomed any efforts to mitigate the severities of the Bill; but he confessed that when these efforts were made and uniformly rejected by the Committee, appeals like that made by the hon. and learned Member for the Tower Hamlets could not have very much weight with them. The Amendment raised the whole important question of the definition of intimidation, and he did not think they would be justified in allowing it to be discussed to-night. For these reasons, he sincerely trusted his hon. Friend beside him (Mr. O'Kelly) would proceed to a division on his Motion to report Progress.

Mr. O'DONNELL said, he would venture to remark that, although this Amendment had been discussed sufficiently to satisfy the section of English Liberals who hoped to obtain the votes of the Irish electors in their constituencies——

Mr. BULWER rose to Order. He wished to ask whether the hon. Member was in Order in imputing such motives to hon. Members?

The CHAIRMAN: I think it is not a proper thing to impute such motives to hon. Members in the discharge of their duties in this House.

Mr. O'DONNELL said, that he was referring to the class of intimidation going on between Representatives and represented. He was simply referring to the desire of hon. Members to consolidate the votes of their constituents, and that was precisely one of the motives which influenced every Member of the House. With regard to the discussion of the clause, he was sorry to say a very large proportion of it was passed in the Committee when there were comparatively few persons present; and, considering the enormous importance of the question involved—an importance which the right hon. Gentleman the Prime Minister would be ready to conceive in Bulgaria or in Egypt, he thought there ought not to be any attempt to hurry the discussion upon a matter changing the whole social and political condition of Ireland. He had no doubt a short discussion conducted under more favourable circumstances would conclude the debate on this particular clause. He was certain, for his own part, that the passing of this clause would complete the disrepute into which the British connection had fallen in Ireland.

Question put.

The Committtee *divided*:—Ayes 24; Noes 183: Majority 159.—(Div. List, No. 119.)

Original Question again proposed.

Mr. PARNELL said, he now moved that the Chairman do leave the Chair. On an important Amendment of this character, which the Government, through the mouth of the Attorney General for England, practically agreed to—or, at any rate, according to the opinion of everyone on that (the Opposition) side of the House below the Gangway—but upon which, owing to directions received from the Front Opposition Bench, they had been obliged to change their action, the Committee, he considered, required more time for consideration. The sense of the Committee ought not to be taken upon the Amendment until there had been ample opportunity afforded for discussion.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Parnell.*)

Mr. GLADSTONE said, he did not think it would be much use to prolong the contest. He regretted that such a disregard for the feelings of the large majority of the Committee—as shown by the division they had just taken—was shown by hon. Members opposite; but if they were determined to persist in the line they were adopting, if the Motion that the Chairman do leave the Chair were withdrawn, he would not resist the Motion for reporting Progress.

Motion, by leave, *withdrawn.*

Committee report Progress; to sit again *To-morrow.*

CORN RETURNS (No. 2) BILL.—[Bill 193.]

(*Mr. Chamberlain, Mr. John Holms.*)

SECOND READING.

Order for Second Reading read.

Mr. CHAMBERLAIN said, that though the hour was very late (1.5 A.M.), he proposed to ask the House to read the Bill a second time, because he understood it to be the wish of hon. Members on both sides of the House who were interested in the subject that the preliminary stages should be taken with as little delay as possible, so that they could go into Committee on the measure and have the details—upon which there was likely to be some difference of opinion—discussed. He would not trouble the House with any lengthened remarks, but would state, in as few words as possible, the object of the Bill. There had been some considerable agitation with regard to the settlement of tithe-rent charges, it having, in the first place, been objected, on behalf of the agriculturists, that the great settlement of 1836 was not a fair and satisfactory one, and ought to be amended. He had to point out that this was not a Bill to do any such thing as that. Any attempt to alter the Act of 1836 would be a serious matter, and could not be undertaken in a measure of this kind, or at this period of the Session. The Bill, therefore, would leave untouched the settlement of 1836; but it would deal with another objection of agriculturists, which was that the machinery for carrying out the Act of 1836, and by which corn averages were determined, was incorrect, and required to be amended. That objection he considered well founded, and the scope of the Bill was directed to its removal. The two principal clauses of the Bill were these. In the first place, there was one dealing with the towns where returns had to be made. The old Act fixed certain towns by name where these returns should be made; but, in the natural course of events, it had happened that towns that at one period were undoubtedly great market towns were now of no importance in that respect; and it, therefore, appeared desirable that the Board of Trade should have power to change the towns from time to time, and, if necessary, increase their number. The other provision was for converting corn sold by weight into corn sold by bushel. At the present time, there was a great deal of variation in the weighing of corn, and it was said that the system did not give a fair result. The Bill proposed that there should be a fixed scale of conversion; but the Government were not pledged to the scale, which had been settled after a conference with the parties interested in the matter. If it should turn out that it was unjust either way they would not insist on it.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chamberlain.*)

Mr. J. G. TALBOT said, he did not rise for the purpose of opposing the Bill, because, as the right hon. Gentleman had very truly said, there was practically no difference of opinion between the two sides of the House as to its principle—that was to say, it was agreed that it was desirable that the proposed reform should be carried out. The Bill did not propose to raise the whole question of the tithe-rent charge settlement, and he was glad that the right hon. Gentleman had expressed a decided opinion against any such disturbance, as that settlement had been arrived at after great and careful consideration, and should not be disturbed. The right hon. Gentleman had said the object of the Bill was rather to re-adjust the machinery by which the tithe-rent charge was collected; and if in any way by this Bill that machinery could be improved, and if any grievances which were alleged to exist could be rectified, he (Mr. J. G. Talbot) was sure the right hon. Gentleman would find hon. Members on that (the Opposition) side of the House quite ready to co-operate with him in removing those grievances. He only rose on this occasion to make a suggestion which he hoped the right hon. Gentleman would not object to. This Bill, or a similar Bill to this, was brought in during last Session of Parliament, and for a long time remained on the Paper and could not be brought forward, owing to a blocking Notice placed on the Paper with regard to it. He (Mr. J. G. Talbot) had a Notice down to refer it to a Select Committee after the second reading, because it had seemed to him that the matters it dealt with were technical, and somewhat of detail, which could be better discussed upstairs. The present Bill, he thought, was one which, if referred to a Select Committee, might be disposed of in a very few Sittings; and he could not, therefore, help hoping that the right hon. Gentleman would accede to his proposal to refer it to a Select Committee. He did not think that such a course would delay the measure. On the contrary, he believed it would tend very much to its expedition. He would, therefore, now give Notice that, after the second reading, and on the Order for going into Committee, he would move that the Order be discharged, and the Bill be referred to a Select Committee.

COLONEL BARNE said, he also had a Bill on this subject, and he wished to ask the right hon. Gentleman whether, if he acceded to the proposal of the right hon. Gentleman to refer his own Bill to a Select Committee, he would object to also including his (Colonel Barne's) measure in the reference? He might point out that the right hon. Gentleman's Bill did not go far enough, and would not satisfy the taxpayers. The right hon. Gentleman must know that his (Colonel Barne's) Bill was greatly preferred to his own by Chambers of Commerce throughout the country. ["No!"] Well, they had reported—or a great majority of them had reported—in favour of his Bill, and against that of the right hon. Gentleman. He thought he was correct in stating that the majority of the Chambers had reported in favour of his Bill. At all events, the Central Chamber of Agriculture in London had recommended that both Bills should be referred to a Select Committee. He would not now go into the objections he entertained to the shortcomings of the right hon. Gentleman's Bill. The hour was very late, and he would, therefore, do no more than urge the right hon. Gentleman to refer his (Colonel Barne's) Bill as well as his own to a Select Committee.

MR. SCLATER-BOOTH said, that, as the hon. and gallant Gentleman behind him (Colonel Barne) very truly said, his Bill had some elements of popularity in it that could not be found in the Bill of the right hon. Gentleman opposite. At the same time, it contained a great deal of difficult and technical matter, and he should be sorry to see a chance of the passing of a much-needed reform prejudiced by their being required to enter upon large and deep considerations affecting tithe-rent charges. He was anxious that something should be done, and that speedily; and he believed the only chance of their having anything done was by enabling the Government to pass this Bill. After that, if anything could be done in the direction of the hon. and gallant Member's Bill, he (Mr. Sclater-Booth) should be very glad to take part in a discussion with that view. He should have no objection to the measure being referred to a Select Committee, if the right hon. Gentleman thought it right so to refer it; but he would not advocate such a course, as he considered that any Bill, to have a chance of passing this Session, should be in the hands of the Government.

MR. STANLEY LEIGHTON said, that the two Bills were based on entirely different principles; therefore, he thought it would be impossible to refer them to the same Select Committee. Though the right hon. Gentleman had said that his measure did not affect the great settlement of tithe-rent charge arrived at in 1836, it dealt, however, with an important section of the Act. The bushel upon which the corn returns were based was a measure of capacity; the present Bill defined that measure by a certain weight. If, instead of 62 lbs. to the bushel, 60 lbs. were the weight required, it would make a difference of about £5 per cent to the owners of tithe-rent charge. The true difficulty was to ascertain what was the usual weight which went to the bushel in the calculations of 1836. He was informed, on credible authority, that the weights defined in this Bill would, in fact, reduce tithe-rent charge £5 per cent. If this were the case, £200,000 would be taken from the pockets of the tithe-owners, and placed in the pockets of the landowners. ["Divide!"] Hon. Gentlemen were impatient; but it was important that the persons interested in this matter should know the point which, above all others, affected them.

MR. CHAMBERLAIN said, that all he could say was that, if it appeared to be the general sense of the House that the measure should be referred to a Select Committee, he would not offer opposition to the reference. At the same time, it should be pointed out that the end of the Session was approaching, and that the Bill could hardly be sent to a Select Committee without raising the great tithe question that he was anxious to avoid raising at this period of the Session. The Bill of the hon. and gallant Member would, undoubtedly, raise the question of the settlement of 1836 in a definite way. His (Mr. Chamberlain's) position was this. As far as he was concerned, he should recommend the House not to refer the measure to a Select Committee; but, if there was a general desire that that reference should take place on the part of the Government he would not offer opposition.

MR. DUCKHAM said, as Vice Chairman of the Central Chamber of Agriculture, he had never heard any preference expressed for the Bill of the hon. and gallant Member opposite; on the contrary, when the subject was before that body, the general feeling was certainly strongly in favour of the Bill now before the House.

Motion *agreed to.*

Bill read a second time.

Mr. CHAMBERLAIN said, he should move, on Monday next, that the Speaker leave the Chair.

Motion made, and Question proposed, "That this House will, upon Monday next, resolve itself into the Committee on the Bill."—(*Mr. Chamberlain.*)

Amendment proposed,

To leave out all the words after the word "That" to the end of the Question, in order to add the words "the Bill be referred to a Select Committee."—(*Mr. John Talbot.*)

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill *committed* for *Monday* next.

MARRIED WOMEN'S PROPERTY BILL.—[*Lords.*]—[Bill 191.]

(*Mr. Osborne Morgan.*)

SECOND READING.

Order for Second Reading read.

Mr. OSBORNE MORGAN said, he regretted the necessity of asking the House to read this Bill a second time at so late an hour (1.35 A.M.). But he apprehended that the Motion he was about to make would not meet with any opposition on the part of hon. Members, inasmuch as the Bill was nearly identical with that which, two years ago, was settled by a Select Committee, and subsequently received the sanction of Lord Cairns. Having regard to that, and to the fact that the principle of the Bill had been over and over again discussed in that House, he trusted hon. Members would agree to the second reading, in which case they might be assured that the Committee stage of the measure would not be taken except at a time when its clauses could be fully considered.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Osborne Morgan.*)

Sir GEORGE CAMPBELL said, he hoped the Bill would not then be pressed

to a second reading. He need hardly say that it was a measure of enormous importance, and one which might be said to alter the state of every one of Her Majesty's subjects. Moreover, the Bill had only been circulated yesterday morning, and neither he nor several of his hon. Friends had any idea that it would come on at so short a Notice, and that they would be asked to give it a second reading at once. It was said that the Bill was identical with one which had been prepared by a Select Committee; but he must point out that the Bill so prepared had never been before the House. He felt bound to say that it would be almost indecent to pass the Bill through the important stage of second reading at that hour of the morning (1.40); and, in order to give further time for its consideration, he begged to move the adjournment of the debate.

Mr. RICHARD POWER said, he did not often agree with the views of the hon. Member for Kirkcaldy; but on the present occasion he felt it his duty to second the Motion just made. It was impossible to overrate the importance of the changes proposed in some of the clauses of this Bill. For instance, in Clause 14, he found that a husband was to be liable for the debts and wrongs of his wife contracted and committed before marriage—a provision that did not commend itself to his judgment, inasmuch as he thought it was quite sufficient for a man to be liable for those which arose after marriage. Clause 17 was also objectionable, for it provided that all questions between husband and wife were to be decided in a summary way. Again, with regard to Clause 22, which was to enact that a married woman should be liable, through the parish, for the maintenance of her husband, he had to remark that, bad as the existing law was, this was worse. Then Clause 23 provided that a married woman was to be liable, through the parish, for the maintenance of her children. This was worse again. Considering the lateness of the hour, and the bad law which the right hon. and learned Gentleman sought to introduce, he should support the Motion for the adjournment.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Sir George Campbell.*)

MR. OSBORNE MORGAN pointed out that the clauses which had been referred to did little more than declare the existing law.

Question put, and *negatived.*

Original Question put, and *agreed to.*

Bill read a second time, and *committed* for *Monday* next.

MOTIONS.

POLICE BILL.

LEAVE. FIRST READING.

MR. HIBBERT said, in rising to move the introduction of the Bill standing in his name, he felt it his duty, even at that late hour, to offer a few words of explanation to the House. He was afraid this was unavoidable, for the Bill had been for a very long time under consideration, and often deferred. The measure, which dealt with great interests, he might say, had resulted from the Committee appointed by his right hon. Friend opposite, in 1877. It was very much owing to the interest which the Report of that Committee had created that Her Majesty's Government now found themselves enabled to lay a measure dealing with the question of Police Superannuation upon the Table of the House. The Committee, in their Report, went very fully into the subject, and he might point out to his right hon. Friend opposite that the recommendations in that Report, which were embodied in the Bill, were seven in number, all of them constituting very important amendments of the law, and certainly adding, as they would do, very much to the advantages now enjoyed by the police of the country. In the first place, he might say that the greatest dissatisfaction existed with respect to the uncertainty of the claim for pensions to police constables. Under the present law, a constable who entered the Service at 21 years of age was not enabled to obtain his pension before he reached the age of 60, unless he obtained a certificate of incapacity in mind or body from the Chief Constable of the Force. That was felt to be a very serious hardship by the Constabulary. The Committee, after considering this question, recommended that there should be a certain number of years during which the police constable should serve, and at the end of that time that he should be able to claim his pension as a right. They recommended the term of 25 years, and the Government had adopted it in the Bill, so that for the future every police constable who served for 25 years in the force would be enabled to claim his pension. Then an important alteration was proposed in the direction of giving pensions to widows. Under the present law, the widow of a police constable was only allowed to receive a gratuity even if her husband were killed in the execution of his duty, and might himself have been entitled to a pension. The Government had adopted the recommendation of the Committee, and it was proposed that instead of giving a gratuity, the widow should be entitled to claim a pension according to the scale which would be found in the Bill. Moreover, the Government also proposed to make an allowance for each child up to the age of 15. The Committee had also considered the great difficulty and great abuses which existed under the system of certificates; and Her Majesty's Government proposed that in future all these certificates would be required to bear the name of a competent medical man, in addition to that of the Chief Constable of the Force in which the constable served. The next point he wished to allude to was that of length of service. According to the present law, a constable could not count past service upon entering a new force unless he had passed seven years in the first force in which he served. Now, Her Majesty's Government proposed, if a constable changed his force, with the consent of the Chief Constable of that Force, that he should be entitled to claim the whole period passed in the first force. Police constables would, therefore, be placed in a better position in this respect also. There was one point in which they had not carried out the recommendation of the Committee, and that had relation to the Superannuation Fund. The Committee recommended that pensions should be a direct charge on the rates, and that the Superannuation Fund should be transferred to the police funds in counties, and the borough rates in boroughs. But owing to the great alteration which had taken place during the last seven years with regard to the solvency of the fund, and the large amount of money paid to the fund, the Government had decided that it would be fairer to the ratepayers and the Constabulary that the fund should be continued. He might observe that the fund had increased in amount since 1874, when this question was considered, from a total capital of £865,000 to a capital of £1,145,000—the increment being £279,000. Now, in order to strengthen this fund, the Government proposed to grant additional fees in aid of it. Under the present Licensing Act only one-half of the fines in connection with licences were paid over to the Superannuation Fund; but it was now proposed that the whole of those fines should be paid over. Again, the fund was to have the benefit of all fines for assaults on constables, which had been hitherto paid over to the county and borough rates, and, amongst other items, hawkers' and chimney-sweepers' licence fees were also to be paid to the fund. In addition, there would be paid over to the fund the fees for serving writs and summonses in counties. In the case of boroughs these had always been paid over; but it was now the intention of the Government to place the counties and boroughs, so far as this matter was concerned, on the same footing. They trusted, with all these additional means of strength, that before many years were over all the pension funds would be found in a solvent state. In the majority of cases the funds were so solvent, although in some places they were not; and in the case of the Metropolis the whole of the fund had gone. But upon the principle they proposed to adopt of investing 2½ per cent of the pay every year, it was expected that this question of pensions would be adjusted more to the satisfaction of the ratepayers than by making the pensions a direct charge upon the rates. He asked the House, in considering this Bill, to look upon it as affecting the interests of a body of men who were well worthy of their consideration, inasmuch as they were indebted to them so much for their comfort and safety every day of their lives. On those grounds he trusted that the splendid body of men composing the Constabulary Force in England would find that Parliament, in considering their claims and grievances, was willing to make such changes in the law as would make their future condition much more satisfactory than it was at present. He was unable, from want of more complete information, to speak with regard to Scotland; but in the case of England a system of pensions had been in existence for 40 years. In Scotland he believed the system to be entirely new, and it would be for Scotch Members to consider whether they would support the proposals of the Government. For the reasons he had given, he asked the House to consent to the introduction of the Bill.

Motion made, and Question proposed,

"That leave be given to bring in a Bill to make provision respecting the pensions, allowances, and gratuities of Police Constables in Great Britain and their widows and children; and to make other provisions respecting the Police of Great Britain."—(*Mr. Hibbert.*)

SIR HENRY SELWIN-IBBETSON said, he must express his gratification that Her Majesty's Government should have taken up this subject, which had long been deferred; and he trusted to find in the provisions of the measure sketched out by the hon. Gentleman opposite that the claims of the police were fairly dealt with.

COLONEL ALEXANDER said, that having been in communication with various members of the Police Force, and being alive to the great interest taken by the Force in the question of superannuation, he ventured to promise the hon. Gentleman in charge of the Bill the thanks of that body for the introduction of measures calculated to improve the position of the Force with regard to superannuation. There might be some matters of difference still remaining; but the men would now feel that the point for which they had been struggling for years—the indefeasible right of every constable to a fixed pension—had been acknowledged. For his own part, he trusted Her Majesty's Government would take the earliest opportunities of pressing the Bill forward in order that it might pass into law this Session.

Question put, and *agreed to.*

Bill *ordered* to be brought in by Mr. HIBBERT, Secretary Sir WILLIAM HARCOURT, and The LORD ADVOCATE.

Bill *presented*, and read the first time. [Bill 197.]

TRUSTS (SCOTLAND) BILL.

On Motion of Mr. James Stewart, Bill to amend the Law of Scotland in relation to Trusts, *ordered* to be brought in by Mr. James Stewart, Mr. Mackintosh, and Mr. Crum.

Bill *presented*, and read the first time. [Bill 198.]

CONVEYANCING AND SETTLED LAND BILLS.

Ordered, That the Select Committee on Conveyancing and Settled Land Bills do consist of Twenty-one Members:—The Committee was accordingly *nominated* of Mr. Attorney General, Sir Richard Cross, The Judge Advocate General, Sir Gabriel Goldney, Mr. Davey, Mr. Macnaghten, Mr. Hinde Palmer, Mr. Gregory, Mr. William Fowler, Sir Hardinge Giffard, Mr. Henry H. Fowler, Mr. Lewis Fry, Mr. Brodrick, Mr. Patrick Martin, Mr. Shaw Lefevre, Sir Henry Selwin-Ibbetson, Mr. Compton Lawrance, Mr. Whitley, Mr. Gibson, Mr. Meldon, and Dr. Commins:—With power to send for persons, papers, and records; Five to be the quorum.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, 9*th June*, 1882.

MINUTES.]—Public Bills—*First Reading*—Judgments (Inferior Courts) * (110); Tramways Provisional Orders * (125); Tramways Provisional Orders (No. 2) * (126).

Committee—Report—Arklow Harbour * (98).

CRIME AND OUTRAGE (IRELAND)—MURDER OF MR. W. BOURKE AND ESCORT—THREE FARMERS SHOT AND MAIMED.—QUESTIONS.

Lord ORANMORE and BROWNE: My Lords, I do not see the noble Lord the Lord Privy Seal in his place; but as some alarming accounts have recently come from my unhappy country, I wished to ask the Government, Whether they can give your Lordships some further information of the outrages which have taken place? It is reported that there have been two murders, of Mr. Bourke and a soldier who was protecting him, at Castle Taylor, Grand Gate, Ardrahan, Galway County; and three farmers have been shot in the legs—Michael Brown, at Rathglass, six miles from Ballina; Henry East, at Ballafarna, Roscommon County; and Cornelius Hickey, of Castleisland; thus, no less than five persons have been shot, and two of them are reported to be dead. I wish to ask the Government, Whether they have any further information to give to the House; whether any arrests have been made; and, whether the Government attribute, or whether they think there is any relation between these murders and outrages and the Whitsuntide addresses of their hon. Friends, both out-of-doors and in "another place?"

Earl GRANVILLE: I came into the House with my noble Friend the Lord Privy Seal, and I thought he was here; but he told me he had only just received Notice of the Question from the noble Lord, and that he had communicated with the Irish Office, but had not yet received any details.

Afterwards—

Lord ORANMORE and BROWNE: Perhaps the noble Lord will now answer the Questions which I, a short time ago, put to the Government.

Lord CARLINGFORD (Lord Privy Seal): I am sorry I was not in my place at the time; but as I received the information only at the last moment, I had sent to the Irish Office to see whether any further details had arrived. I am sorry to say I can give your Lordships no, or little, further information with respect to these dreadful crimes in Ireland. It appears that Mr. Bourke and his escort, a soldier, were fired at from behind a wall, which was loopholed for the purpose. This is the only news in addition to what has appeared in the papers. Death is believed to have been instantaneous in each case. It seems that three arrests have been made in respect to the murders of Mr. Bourke and his escort. The three other cases to which the noble Lord has referred are additional, and they are cases of maiming by firing at the legs, apparently for the purpose of maiming as distinguished from killing the victims. In one of these cases arrests have been made, but none in the other two at this moment.

EGYPT (POLITICAL AFFAIRS) — THE ANGLO-FRENCH FLEET AT ALEXANDRIA.—QUESTION.

The Marquess of SALISBURY: I wish to ask the noble Earl the Secretary of State for Foreign Affairs a Question of which I have not been able to give him Notice, as I have only just been informed of the circumstances. It is rumoured in London that the Fleet, or a large portion of it, has been withdrawn from Alexandria. If it has, or if it has not, it would be well, I think, that the fact should be published; and I shall be glad if the noble Earl will state whether it is so or not?

Earl GRANVILLE: As a matter of fact, I am entirely in ignorance that any portion of the Fleet has been removed. Indeed, I am quite sure that it is not the case.

THE ROYAL IRISH CONSTABULARY.

OBSERVATIONS. QUESTION.

Viscount MIDLETON said, that those of their Lordships who were acquainted with Ireland, especially those of them who had seen the state of things on the spot within the last few months, he might say the last two years, must know how responsible were the duties cast upon the Royal Irish Constabulary. From the time the present Government succeeded to Office, the life of the members of the Force had been one long round of duties of the most disagreeable and delicate character. They had to patrol by night, and were liable to be called upon to march long distances into every part of the country, and, in fact, had to perform some of the most unpleasant duties that could possibly fall to the lot of any body of men. By common consent those duties had been discharged with rare fidelity and forbearance. The present Lord Lieutenant of Ireland (Earl Spencer), in reply to a Question put to him last year, took occasion to refer, in terms of the highest encomium, to the manner in which the duties of the Constabulary had been discharged. He could tell their Lordships that the duties—the exceptional duties—which had been imposed upon the Force had not only been conducive to a great strain upon the physical qualities of the men, but had also interfered in a very serious manner with them, and entailed upon them very serious pecuniary loss. Both officers and men had been despatched on various occasions long distances from their homes, and to places in which, from the peculiar character of the service in which they were employed, it was extremely difficult for them to obtain provisions except at fabulous prices. In consequence of this in the early part of the Session some efforts were made to acknowledge the extra services which had been rendered by the Force, and to place them in a somewhat better position in more than one particular. He remembered hearing the question put to one of the County Inspectors—when a member of the Royal Irish Constabulary was on duty? The reply was very much to the point—"Sir, a member of the Royal Irish Constabulary is never off duty. He is liable to be called on at a moment's notice to go in any direction, and to remain there any length of time." When the Budget was introduced a Vote was included to compensate the Constabulary for the extra services they had rendered, and the extra expense to which the men had been put. That, probably, was not a subject which fell within the jurisdiction of their Lordships' House; but, on a Question being put, the official answer given was that the whole of that sum was to be distributed amongst the men, and that none of it was to go to the officers of the Force. Upon its being asked what was going to be done for the officers, the reply—which he could not help thinking was a very unsatisfactory reply—was that a Bill, at some uncertain date, was to be brought in dealing with the whole subject. He wanted to know definitely when that Bill was to be introduced, and he also wanted to know what would be the general provisions of the Bill? So far as the men were concerned, he believed they were content with what would be a substantial remuneration for their services; but he hoped that in any measure which might be introduced the provisions of the Act of 1866, which now regulated the constitution of the Force, would be amended so far as to restore the old privileges with regard to pensions. The Act of 1866 cut down very materially the pensions allowed to retiring members of the Force. He could not help thinking that it was exceedingly improper that men in the Service who received any injury in the discharge of their duty should not have a pension which would enable them to live in respectability and comfort, without having to appeal to the charity of the public; and he hoped if any Bill was introduced this matter would not be lost sight of. But what he especially wished to ask was what it was proposed to do for the officers of the Force, and, if it were impossible to make a statement on the subject at present, when they were to know what would be done? The officers of the Force were left in a very bad position. They had shared to the full all the labour which had fallen to the lot of their men, while there was attached to them a peculiar amount of responsibility, the strain caused by which could be properly judged of only by those who had seen what the duties were which they were called upon to perform. If a hasty act was committed, or the slightest want of judgment shown, and anything serious followed, the coroners' juries, in three out of the four Provinces of Ireland, were certain to find a verdict of murder against them. They had been told officially they had no claim to any part of the remuneration to be awarded by Parliament to the Force. He asked, therefore, what the officers were to have? He supposed he might be told that they were to rely upon promotion, and that brought him to the second part of his Question, what chance was there of promotion? He wished to know whether it was necessary that the highest appointments in the Royal Irish Constabulary should always be given to distinguished military officers? He had ascertained the number of Inspectors General who had been appointed to the Royal Irish Constabulary since the year 1856. The number was seven, and only one of those, Sir Henry Brownrigg, was appointed from the Force. Coming lower down, the number of Deputy Inspectors appointed was 12, and of those only one was appointed from the Force. In the grade immediately below that a very large proportion—more than a moiety—of military men had been appointed to those positions. It was also rumoured that the next vacancy, which could not be long before it occurred, in the command of the Constabulary Depôt at Phœnix Park, was to be filled by a military man. One of the great complaints with regard to the Irish Constabulary was that its military organization rendered it extremely ill-adapted for the detection of crime. He did not himself bring forward any such charge against the military officers; but it was a charge which was frequently made by strong supporters of Her Majesty's Government, and also by those journals which took Her Majesty's Government under their especial protection. He wanted to know how it was possible that the Force could be otherwise than military in its character, if it was necessarily officered by distinguished men taken from the ranks of the Army? It was hard to complain of their not detecting crime, if they were not trained up to that duty, but to duties entirely dissimilar. He never yet heard, with regard to Sir Henry Brownrigg, that any complaints of want of discipline or any other matter had been made; and he ventured to think that the experiment might be tried of appointing men from the Force with great benefit to the country, and certainly with great encouragement to members of the Force itself. In another department also, that of the Resident Magistracy, the officers of the Constabulary might do valuable service. Within the last two years one gentleman, Mr. Henry Blake, had been appointed a Resident Magistrate; that gentleman had been selected for special service, and from the way he was spoken of he did not think the experiment had been repented of. He had no doubt that at the present time there were plenty of men who would be willing to accept Sub-Inspectorships, which seemed to be a small fortune to a man who had nothing. But a young man of 18 or 20 years of age did not, as a rule, look forward to making provision for himself when he became a married man; and it was only when he married and found what little chance he had of promotion that he found how inadequate his pay was to meet the expense of a wife and family. Then a man began to feel a very bitter sense of disappointment, which militated very seriously against the real efficiency of the Force. Severe as the duties of the members of the Royal Irish Constabulary were, he did not think that the events of the last few days—he might say the events of the last few hours—gave any hope that their duties were likely to be lighter; and when the peace of Ireland depended upon the courage and conduct of these men, it would not be wise to stint them in regard to remuneration or prospects of promotion. He trusted that that would not be the course which would be adopted by Her Majesty's Government, and that he should not be told that the Government believed such a course to be unjust as well as impolitic. He begged to ask, When the Bill dealing with the position of officers in the Royal Irish Constabulary is to be introduced; and whether it is intended that the highest commands in that Force are to be invariably held by military men?

LORD CARLINGFORD (LORD PRIVY SEAL): I will answer first the last Question of the noble Viscount—namely, with respect to the higher offices of the Royal Irish Constabulary Force. It appears by the information which has been furnished to me that those appointments are not so exclusively filled by gentlemen having been officers in the Army as the noble Viscount seems to think, because it appears that three Assistant Inspectors General were officers in the Force, and were raised to that rank. Of course, in the case of the newly-appointed Inspector General, Colonel Bruce, that was not an appointment from the Army, as he was promoted from the post of Deputy Inspector General. I am also able to tell the noble Viscount that I am informed by my noble Friend the Lord Lieutenant that there is no intention whatever of laying down any rule that the superior appointments in the Force shall be limited to candidates coming from the ranks of the Army. With respect to the earlier part of his Question, I am not able to tell the noble Viscount the exact provisions of the Bill which will shortly be introduced on the subject of the pay and allowances of the Royal Irish Constabulary. But the delay which has taken place has been mainly caused by the fact that it was necessary to reconsider the scheme which had been adopted and recommended by the Departmental Committee which inquired into the matter, for the purpose of giving further and better consideration to the claims of the officers of the Force. That is the cause of the delay. The question is now under careful consideration. The Treasury have to be consulted; but we are in hopes that within a very short time a Bill dealing with the whole question, and including the case of the officers of the Force, will be presented to Parliament.

EDUCATION DEPARTMENT — WILLESDEN SCHOOL BOARD.

OBSERVATIONS.

THE EARL OF CARNARVON, who had on the Paper a Notice to call attention to the Letter from the Education Department of the 23rd May 1882 ordering the establishment of a board school for the Willesden district, wished to explain that he intended to postpone the matter till Tuesday next at the request of the noble Lord (the Lord Privy Seal), as he had not had time to inquire into the facts. He did so with regret, and wished that the consultation between the noble Lord and the Inspector had been held before the Order, which could not now be cancelled, had been issued. The case was one which well deserved the attention of Her Majesty's Government and the House.

LORD CARLINGFORD (LORD PRIVY SEAL) said, he felt obliged to the noble Earl for postponing the Question at his request. He had done his best to obtain full and satisfactory information, but had not quite succeeded during that day; and, therefore, he was unable to give a satisfactory reply to the noble Earl. He was not at the Council Office at the time when the Order was made, and, therefore, he had no opportunity of knowing personally what took place.

THE MARQUESS OF SALISBURY: I should like to ask the noble Earl the Leader of the House, whether there is any intention on the part of the Government to fill up the Office of Lord President of the Council?

EARL GRANVILLE, in reply, said, that the Office was not vacant; but if it had been, and his noble Friend near him or any other persons had been appointed to it, he could not have had any personal knowledge of this Order, as it was settled by his noble Friend (Earl Spencer).

ROYAL MILITARY ACADEMY, WOOLWICH.

QUESTION. OBSERVATIONS.

LORD TRURO asked Her Majesty's Government, If any inquiry has been instituted, and report made, in relation to certain statements contained in a pamphlet written by Professor Bloxam, affecting the Royal Military Academy at Woolwich; and, if so, whether the report will be laid upon the Table? The noble Lord observed, that, though some of the statements made in the pamphlet had been impugned as exaggerations, they rested on the authority of a gentleman of unquestioned character and position. A gentleman who ventured to expose the failings and shortcomings of an institution, as Professor Bloxam had done, stood in a very unpleasant position. Nevertheless, in his opinion, Professor Bloxam deserved the highest credit for what he had done. Taking the Profession generally, he thought their Lordships would be of opinion that the lives of military men and the associations by which they were surrounded did not invest them with those qualities of knowledge and experience which were necessary and essential for the ruling of a great educational establishment. The Woolwich Academy had, moreover, the additional disadvantage that the appointment of Governor was only held for a period of five years. Naturally, therefore, the post must be filled by men of different temperaments and different views. If there were a Governor who was lax in his mode of watching over this educational establishment, the inevitable consequence was that the next Governor who was appointed must resort to a more stringent discipline. The result was disturbance, spasmodic resentment, and a smouldering irritation in the establishment. In his opinion, an institution like the Woolwich Military Academy might be conducted more successfully under a civilian head with military assistants.

THE EARL OF MORLEY deemed it unnecessary to detain the House by prolonging remarks on a subject which was disposed of the other day. Without going, however, into the details which the noble Lord had brought forward, he would tell him at once, in answer to his Question, that in accordance with what he stated on a previous occasion, the Secretary of State had called for a Report on the allegations contained in Professor Bloxam's pamphlet. That Report was not of such a kind that it could be presented to Parliament. It affected matters of discipline, and it would be extremely inconvenient to present it to Parliament. But the Report dealt in detail with all the points brought forward by Professor Bloxam, and the Secretary of State considered that those allegations were satisfactorily dealt with, and that it was not necessary to proceed any further in the matter. He might mention that, after the close of the Correspondence referred to in his pamphlet, Dr. Bloxam had a long interview with the Governor; therefore, he had had a more ample opportunity of stating his view on the question of discipline than he could have had in Correspondence. He quite agreed with the noble Lord that the question was an important one; and, no doubt, if any good result could have been brought about by publishing the result of the investigation, the Secretary of State would have been willing to strain the official custom of considering the result of such inquiries private; but no possible good could result from publication in the present instance. He could assure the noble Lord that the question had been carefully investigated in all points, and that the answers given to Professor Bloxam's allegations were satisfactory. There were, he admitted, some isolated cases of insubordination; but he did not think these were sufficient to establish anything approaching to a general accusation of indiscipline against the Institution. The question of discipline and instruction in these Institutions was one which occupied the serious attention of those who were responsible for the administration of the Army. At the present time, there was no desire to conceal any matter which ought to be attended to; but in regard to this case, he believed that Professor Bloxam, of whom he did not wish to say anything severe, had made statements which, in some instances, were quite unfounded, and in other instances, were exaggerated generalizations from isolated acts. An investigation, though not of a public character, would be made into the general subject of the education of candidates for the Army.

House adjourned at a quarter past Five o'clock, to Monday next, a quarter before Eleven o'clock.

HOUSE OF COMMONS,

Friday, 9th June, 1882.

MINUTES.] — PRIVATE BILL (*by Order*) — *Third Reading*—Regent's Canal, City, and Docks Railway, and *passed*.

PUBLIC BILLS—*Committee*—Prevention of Crime (Ireland) [157]—R.P. [*Eighth Night*].

Committee—Report—Vagrancy * [62-199].

Report—Local Government (Gas) Provisional Order * [144]; Local Government (Ireland) Provisional Orders (No. 2) * [165]; Local Government (Ireland) Provisional Orders (No. 3) * [172]; Local Government Provisional Orders (No. 2) * [145]; Local Government Provisional Orders (No. 4) * [159]; Local Government Provisional Orders (No. 6) *

[166]; Local Government Provisional Orders (No. 7)* [167]; Local Government Provisional Order (No. 8)* [168]; Local Government Provisional Orders (No. 9)* [174]; Local Government Provisional Order (No. 10)* [181]; Land Drainage Provisional Order* [164].

Third Reading—Interments (Felo de se)* [98], and *passed.*

PRIVATE BUSINESS.

REGENT'S CANAL, CITY, AND DOCKS RAILWAY BILL (*by Order*).

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. MONK, in rising to move the rejection of the Bill, said, he had to present a Petition from the Executive Council of the Associated Chambers of Commerce against this Bill. The Petitioners called attention to the Resolution arrived at by the Joint Committee of the Lords and Commons in 1872; and they also expressed the same opinion as that which was expressed by his right hon. Friend the President of the Board of Trade (Mr. Chamberlain) on the second reading of the Bill, when his right hon. Friend stated that the conclusions he had arrived at were entirely in accordance with the views of Parliament, and of those engaged in the commerce of the country—namely, that the amalgamation of Canals with Railway Companies ought to be discouraged; that the control of the Canals ought not to be invested in the Railway Companies; and that, at all events, every precaution should be taken for securing the independence and maintenance of the inland water navigation of the country. He (Mr. Monk) regarded this as the most important Private Bill which had been brought before the House during the present Session; and if any apology were needed for the course he was now taking in calling attention to the measure at this late stage of the Bill, it would be found in the fact that, on the second reading, his right hon. Friend the President of the Board of Trade proposed that it should not be referred to an ordinary Committee of four Members, but to an exceptional Committee—a Hybrid Committee, consisting of nine Members, five of whom were to be appointed by the Committee of Selection. The suggestion of the President of the Board of Trade was adopted. The Bill was referred to a Hybrid Committee, and the House now had before it the Report of that Committee. It would be his duty briefly to call the attention of the House to that Report, and especially to the meagreness of the explanations which it gave. This was a Bill for incorporating the Regent's Canal, City, and Docks Railway Company. That was the ground of Part II. of the Bill, and to that he made no objection. But it went on to provide for the transfer to the newly-created Railway Company of the undertaking called the Regent's Canal Company. That provision was contained, he thought, in Parts III. and IV. of the Bill, and to that provision he most decidedly objected. The Bill had certain other objects in view; but the main object was the transfer of, perhaps, the most important water navigation in the Kingdom to a Railway Company; and, as he had already stated, it was contrary to the recommendations of various Select Committees, of that House, and decidedly antagonistic to the recommendations of the Joint Committee of the two Houses of Parliament in 1872. The President of the Board of Trade, whom he regretted not to see in his place, sent a special Report to the Committee—the Hybrid Committee appointed by the House to inquire into the merits of the Bill. The Select Committee reported simply that they had passed the Preamble of the Bill; and they went on to state that there were no other circumstances of which, in the opinion of the Committee, it was desirable that the House should be informed, and that they had examined the allegations contained in the Preamble of the Bill, and amended the same to make it consistent with the provisions of the Bill as passed by the Committee, and found the same, as amended, to be true, and had gone through the Bill and made Amendments thereunto. It would be seen that the Report contained no reference whatever to the extraordinary circumstances under which the Bill was referred to a Select Committee. So far as he was able to see, the Report of the Board of Trade was entirely ignored. It was very possible that certain of the recommendations of the Board of Trade had been inserted in some of the clauses of the Bill, and that the requirements of the Board of Trade had, to a certain extent, been safeguarded by the Committee; but nothing whatever was said as to the wisdom of the course now proposed to be taken in transferring this Canal Company to a Railway Company. It was in consequence of the extraordinary nature of this Bill that it was referred to a Special Committee, and on turning to the proceedings, which were placed in the hands of hon. Members a day or two ago, he found that the Committee divided as to the propriety of passing the Preamble of the Bill, and upon that division he found that the Ayes were 4 and the Noes 4 also; whereupon the Chairman declared himself in favour of the Ayes. The minority were composed of the hon. Member for Warwick (Mr. A. Peel), the hon. Member for Carnarvonshire (Mr. Rathbone), the hon. Member for East Essex (Mr. Round), and the hon. Member for South Warwickshire (Mr. Gilbert Leigh). Now, those were Members of considerable experience in the House, and he thought their opinions were entitled to very great weight. He therefore hoped they should hear either from his hon. Friend the Member for Herefordshire (Sir Joseph Bailey), who was Chairman of the Committee, or from some other Member of it, why it was that they had not reported in reference to the subject-matter which was referred to them—namely, whether it was expedient that the policy recommended by all the Committees which had sat in the House of Commons, and by the Joint Committee of the Lords and Commons, in 1872, should in this instance be departed from. He found that there were no less than 76 Petitions presented against the Bill, and, as far as he was aware, there was not a single Petition in favour of it. His objection—or rather the objection of the Association on behalf of whom he had the honour to speak—was that the transference of this Canal Company into the hands of a Railway Company would place it in the power of the Railway Company to starve the navigation so transferred. It would matter very little what clause they inserted in the Bill for the protection of the navigation, because the Bill would enable the Railway Company to divert the traffic which came from the other Canals in the country into the Regent's Canal system to its own system of railway, instead of to the water communication which formed the general source of the Canal traffic of the country. He would remind the House that the Regent's Canal Company was reported to be in a very flourishing condition. It was altogether a different case from that of other navigations, which had not been able to pay their own expenses, and which had, unfortunately, fallen into the hands of the great Railway Companies. This, so far as he understood, was a paying concern, earning no less than the net sum of £60,000 a-year. Whether that was the actual figure or not, the Company were, at all events, in very flourishing circumstances, and, therefore, there was not the same necessity for transferring it to a Company which might arise in the case of an impoverished Company. He thought it was a national policy to keep the inland navigation open; but it seemed here that the whole question endeavoured to be solved was the best means of dividing good dividends among the proprietors. He believed that the Regent's Canal had branches to the London Docks, and that it there collected a great portion of the traffic which passed over the other Canals of the country. If that were so, it was surely most unwise for the House to depart from the policy it had so frequently recommended, and which certainly seemed to him to be the most desirable one to follow, of keeping the water navigation free and open, especially in a case where the Canal was a perfect solvent concern. He looked upon this Bill as, perhaps, the first, but, at all events, a most vital step towards closing the water navigation of the country. If Parliament consented to pass this Bill, he did not see how they could refuse to transfer any Canal whatever into the hands of a Railway Company which was able to give an undertaking that it would keep open the waterway. He might, further, remind the House that a Committee had now been sitting upstairs for nearly two Sessions, presided over by his hon. Friend the Under Secretary of State for the Colonies (Mr. Evelyn Ashley), in order to inquire, among other things, into this very question. That Committee had taken evidence with regard to Canals and with regard to their connection with the railways. He (Mr. Monk) had the honour of being a Member of that Committee; and he believed that they were prepared to report—that they would report very shortly—and that probably they would make some such recommendation as that which was made by the Joint Committee of 1872. There was still another reason. His hon. Friend the Member for Stafford (Mr. Salt) moved, a few nights ago, for a Select Committee upon Canals. That Committee was granted; and he saw that the names of the Members to be appointed upon it were now upon the Order Book of the House. At a time when his hon. Friend was ready with a Committee to inquire into the connection between Railways and Canals, and to point out to the House the best means of keeping open the navigation of the country, was that a moment when the House ought to place it in the power of any Railway Company, if not to close, at all events, to interfere most prejudicially with the great water communication like that of the Regent's Canal? With these observations, he should move that the Bill be read a third time that day six months, and he did so as a protest against any further absorption of Canals by Railway Companies. He hoped that the House would hear from some Members of the Committee what were the grounds upon which they had adopted this most exceptional course; and he trusted that some weight would be given to the opinion of the minority in the Committee, who were certainly entitled to great weight in the estimation of that House. He begged to move that the Bill be read a third time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Monk.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR JOSEPH BAILEY regretted that the hon. Member for Gloucester should have felt it his duty to move that the Bill be read a third time that day six months; and as to the reason adduced by the hon. Member, among others, that a Committee was now sitting upon the general question upstairs, he ventured to say upon that point that it was an objection which should have been raised on the second reading of the Bill, and not upon the third reading. The Bill had already been referred to a Select Committee. That Committee had sat upon it for every working day for a month; it had examined some 60 or 70 witnesses, and had put something like 10,000 questions; and the House could well understand that an investigation of so protracted a character could not have been entered into without very great expense to the promoters. He thought that Parliament ought not to put the gentlemen who had embarked in this great undertaking to the expense of making a similar application a second time. With regard to the general subject, he admitted that the question was a very large one; but he would only detain the House by commenting upon the topics introduced by his hon. Friend in opposing the Bill. His hon. Friend had dealt, to a certain extent, with the traffic of the Canal. Now, of the traffic, 70 per cent was local traffic, and only 30 per cent consisted of traffic derived from other canals. Of that 70 per cent, two-thirds, or one-half the entire Canal traffic, came from the London Docks, and consisted of goods distributed to various wharves for the supply of the Metropolis. The Canal Company was not at the present time a Carrying Company, but it was a Toll-Taking Company; and it had no power of diverting any traffic from the Canal to the railway which was proposed to be constructed. But there were provisions inserted in the Bill for the purpose of keeping the Canal open for navigation, and to keep down the tolls at the moderate rate at which they now existed. The Committee were assisted in their investigation by a Report from the Board of Trade. That Report recited at some length the recommendations of the Joint Committee of the Lords and Commons in 1872. The Report had been referred to by his hon. Friend, and it said—

> "The plan proposed in this Bill is, upon the face of it, at variance with this recommendation; and the burden lies upon the promoters of showing that there are special circumstances in this case which take it out of the general rules and principles laid down by the Joint Committee."

The Report, at the end, made three suggestions, which he would deal with by-and-bye. What he wished to do at the present moment was to show that there were special circumstances which took this Canal out of the scope of the General Report of the Committee of 1872. The circumstances were—the importance of the line of railway proposed to be made, and the special advantages of the route which it gave. Now, with regard to the advantages of the route, he would say this. Owing to the Canal having been made a very long time ago—for it was constructed under an Act passed in the year 1812—it had been a sort of barrier running through the middle of London for a great number of years; and, owing to the peculiarity of its position, the railway could be built on the north bank of it with less severance of property than by other routes through the Metropolis. It avoided all the complications of gas mains, sewers, and water-pipes, which constituted some of the great difficulties of Metropolitan improvements. It further avoided all severance of roads, and it was a remarkable fact that throughout the whole length of the proposed railway, running on the banks of the Canal for nearly 20 miles through the heart of London, it would only alter the level of one road, the alteration being only seven inches above the existing thoroughfare. Another important point was that if a railway were allowed to be constructed upon this route it could be carried out with less displacement to population than by taking any other route. Moreover, it was a daylight route; and that was a matter which anyone who had travelled by underground railway would know was one of very great importance. Beyond these reasons for taking the Canal, there was this fact—that by selecting this route there would be a saving in the cost of construction of from £2,500,000 to £3,000,000. These, he thought, were very important reasons; and if it could be shown that the railway was one of great importance to the public, they were reasons which ought to take the present Bill entirely out of the recommendations of the Joint Committee of 1872. There were also great advantages afforded by this railway in a public point of view. It proposed to join the Great Western Railway, the Great Northern Railway, and the Midland Railway with the Docks and the City of London. It would be of great advantage to steamships enabling them to coal at the Port of London; and it would perform all the objects of a Metropolitan Railway, as well as being a great convenience to the vast population in the neighbourhood through which it passed. To show the enormous amount of traffic which was likely to pass over such a line, he might state that the North of London Tramway Company proved to the Committee in evidence that in that neighbourhood they were employing from 2,400 to 2,500 horses, and that they carried a moving population of 34,000,000 annually. Beyond this, General Herbert appeared before the Committee on behalf of His Royal Highness the Commander-in-Chief, and showed that the proposed line was of very great importance, in a military point of view, from the facilities it would afford for the embarking of troops and stores at the Port of London. These facts would show that the proposed route was an extremely advantageous one, and, consequently, that the railway itself would be of great importance to the Metropolis. The Report of the Board of Trade ended by making three suggestions to the Committee. First of all, that if it was passed into law it would be necessary to provide that the least possible interference with the traffic of the Canal should be protected during the construction of the railway. Upon this point the Committee had inserted a provision in the Bill—

> "That no part of the waterway shall be closed, nor shall the free navigation, or the use of any part thereof, be interrupted for a longer period at any one time than ten days, nor shall such interruption occur more than twice in any one year, one occasion to be at Whitsuntide, and in such case the Company shall give ample notice to all parties concerned."

As at the present moment it was necessary to clear the Canal annually at Whitsuntide for repairs, it would be obvious that there would be no very great additional amount of obstruction. Then they had provided that, whereas by the Canal Companies' Act they were only obliged to keep the Canal open 12 hours a-day, henceforth it should be kept open during the whole 24 hours, except on Sunday. They had also provided that any Canal Company, wharfinger, carrier, or trader should recover damages for any special damage sustained by them by the closing of the Canal at ony other than the stipulated time, or by any other act, neglect, or default of the Company. The second recommendation of the Board of Trade was to provide that ample provision be made for the rights of all those who now used the Canal, both with regard to rates and convenience of traffic. Upon that heading the Committee had inserted in the Bill a provision that ample security should be given to the Grand Junction Canal Company against accident by loss of water in the Paddington Long Level by fine, gate, or otherwise. It was also provided that the tolls should not exceed those actually taken during the last 12 months, except with the permission of the Board of Trade. The Committee had also inserted a clause to enable other Canal Companies to secure through rates over this Canal, and against excessive tolls at Limehouse Docks, which formed the entrance to the Canal. It was further provided that, where it was necessary to widen or narrow the Canal in consequence of the construction of the railway, both sides should be retained by walls, giving a waterway equivalent to that at present provided. There were other conveniences provided in connection with the use of the Canal for the purpose of traffic, with which he would not trouble the House. The third suggestion of the Board of Trade was a very important one. It was this—

> "Still more important will it be to consider whether power should not be given to the Grand Junction Canal and other Canal Companies, at some future time and on terms to be arranged by arbitration, to purchase the Canal undertaking."

To meet this suggestion the Committee had provided—

> "That power should be given to the Grand Junction Canal Company and other Canal Companies, at any future time after the construction of the railway and on terms to be arranged by arbitration, to purchase the Canal undertaking, including Limehouse Dock."

He hoped he had shown to the House—first, that this route possessed special advantages; and, secondly, that the railway, when constructed, would be of immense advantage to the public, and that for these reasons it ought to be removed from the action of the Joint Committee of 1872. He hoped, further, that he had shown to his hon. Friend who moved the rejection of the Bill that the Committee had taken every possible care to secure the use of the Canal to all persons who could be now engaged in conducting the traffic over it.

Mr. ARTHUR PEEL said, he would not detain the House for more than a few moments; but having taken considerable interest in this question, he felt himself called upon to make a few observations in regard to the Bill as it had left the Select Committee. He fully agreed with the views expressed by his hon. Friend the Member for Gloucester (Mr. Monk), who opposed the Bill at this stage, and he thought the course his hon. Friend had taken was justified by the exceptional nature of the Bill. The hon. Baronet who had just addressed the House was Chairman of the Committee, and a most able and impartial Chairman too. The hon. Baronet stated that a great number of questions were asked by the Committee, and that a great number of days were occupied in considering its merits. Now, his (Mr. A. Peel's) opinion as to the great issue involved in the Bill was, that it was nothing more nor less than the competition of Canals with Railways; and nothing which passed in the Committee had impaired, in the slightest degree, the necessity of upholding that principle, or would, in his humble judgment, warrant the House in giving up the recommendation of the Joint Committee of 1872. The long and short of the question was this—they were placing the key of a vast system of Canal traffic in the hands of a Railway Company, and if they consented to place the key of the door in the hands of a Railway Company, he knew on which side of the door the Canals and those who were interested in maintaining water communication would be left. And it must not be forgotten that, at this present moment, a Committee had been appointed to inquire into the whole question of Canals, and their relation to the Railway interest. Of that Committee his hon. Friend the Member for Stafford (Mr. Salt) was to be the Chairman, and he trusted the House would not stultify itself by sending that question to a Select Committee for inquiry, and, at the same time, by this Bill, handing over practically one-third of the whole system of Canal navigation to a Railway Company. He certainly hoped that if this Bill was to pass the House, it would leave the House with a protest hanging around its neck, and if his hon. Friend thought fit to divide the House he should certainly go with him into the Lobby. He believed, as the hon. Baronet the Member for Hereford (Sir Joseph Bailey) had truly said, that the intention of the Bill was to provide a new and cheap Metropolitan route; but he knew no reason why, if it was the intention of the promoters of the Bill to provide a Metropolitan route, that they should take the whole of this Canal into their possession. As it was, the Canal itself was handed over. There was no reason why the promoters should not have asked to run a line along the banks of the Canal, leaving the Canal to occupy its present independent position. The promoters, however, had not done so; but they proposed to absorb the Canal into their own system. In point of fact, the whole of this Canal was placed in such a position that hereafter the Regent's Canal and its feeders would be at the absolute mercy and control of the Railway Company. Under these circumstances, he would support the Amendment.

SIR SYDNEY WATERLOW said, he was surprised that his hon. Friend the Member for Gloucester (Mr. Monk), with the great experience he possessed of the Business of that House, should raise this question on the third reading of the Bill. It was, in reality, a question of the principle of the Bill, and that question was settled, after a full debate of the House, upon the second reading. The House then determined that the Bill should go to a Committee. It was thought that as there was a great principle at issue it ought to go to a Select Committee. That Committee had been sitting for a long time; it had taken a considerable amount of evidence, and it had passed the Bill, which now came down to the House for a third reading, and he hoped the House would consent to read it a third time. It was not a question between Railways and Canals, but there were other and more important questions involved. This was the case of a Canal running through a very thickly-inhabited district, and the time had now come when it ought to be considered whether Canals, running through thickly-populated towns, should be encouraged or not, especially when, in its place, it was proposed to construct a railway which would carry 100 times as many people and goods; and there was one even more strong reason which he had ventured to put before the House when the second reading of the Bill was under discussion. During the past 10 years the population of London had enormously increased, and Parliament had been considering various methods for enabling the working classes, whose work brought them into London, but who were obliged to live outside, to get from their work to their homes. One of the great problems of the day was, how to get the working people out of the centre of London to their homes. A private Company now came forward and said—"We can make 13 miles of railway running to the North and North-West of London, and we can take people by that railway from your Docks and the City to the outer districts." Why should this offer be refused? Unless Parliament sanctioned some such means of enabling the working population to get in and out of London, the difficulties that they had now to contend with would be increased year by year. If only for this reason, he hoped the House would read the Bill a third time, so that there might be another cheap and rapid route provided for the convenience of the working classes.

MR. D. JENKINS wished to say a word in regard to the bearing of the question upon the Grand Junction and other Canals. A very large portion of the goods brought from the inland Canals did not reach the Regent's Canal at all. The great bulk of the goods bought by inland water traffic passed into the Thames at Brentford, and out of a revenue of £60,000 a-year, which was said to be the net income derived by the Canal Company at present, a large portion was earned by Dock dues at Limehouse Docks, which were not affected by this scheme. It had been said, in regard to the description of goods carried by means of this Canal, that 70 per cent consisted of goods connected with local traffic, which could not possibly be carried by railway, such as bricks and goods of a very low value. With regard to the scheme as a Metropolitan improvement, he believed that it would be of immense advantage to the large population situated in the North of London. What was the case now? If a man wished to go to the North of London from the extreme East he had to make two or three changes of carriages, and, considering the time occupied and the extra expense, that alone was a matter deserving consideration. Then, again, as regarded the coal traffic from South Wales and the Midland districts, it had to pass over two or three lines of railway at a great additional expense. For these reasons, he thought, on the whole, considering the great amount of traffic from day to day, that the House ought to pass the third reading of this Bill. So far as the water was concerned, it would be improved by the Bill, because the Canal would be deepened and rendered more safe for the navigation than it was at present. In point of fact, a much larger amount of traffic could be left over it than was possible at the present moment. He trusted that the House would consent to read the Bill a third time.

Mr. WATNEY said, he desired to call attention to a remark made by the hon. Member for Warwick (Mr. A. Peel), which he thought might mislead the House. The hon. Member had told them that it was proposed to lay a railway by the side of the Canal, and that the Canal was to be kept open all the year, with the exception of a certain number of days at Whitsuntide. It was proposed, even then, to leave the Canal in such a position that two barges could pass at the same time. Now, the largest traffic on that part of the Canal amounted to about 81 barges a-day, and by leaving room for two to pass the Committee had taken care that the roadway of the Canal should always be kept open. He thought there could not be a suspicion that this railway would be hostile to the Canal traffic. It was impossible to put the inland Canal traffic in the power of any Railway Company, because the Grand Junction Canal had an opening into the Thames by way of Brentford, and three-fourths of the inland traffic went in that direction. There was satisfactory evidence brought before the Committee that only 30,000 tons a-year of traffic came from the inland system to this Canal; and as they had taken precautions for keeping the Canal open in a better state than it now was, no power possessed by any Railway Company could very materially interfere with it; and it should also be borne in mind that the Associated Canal Companies could at any time purchase the Canal if they thought proper. He therefore hoped the House would not hesitate to affirm the principle they had laid down by reading the Bill a third time, but that they would pass the third reading now, and he felt sure that by so doing they would not only help the general traffic of London, but, at the same time, assist the ordinary traffic of the Canal.

Mr. ANDERSON said, he wished the House to remember that this was not the Report of an ordinary Private Bill Committee that they were asked to affirm, but the Report of a Hybrid Committee. It was all very well for the Chairman of the Committee to come forward and make explanations now; but what he complained of was that the Committee themselves had not presented a Report sufficiently ample to guide the House upon the matter. The adoption of the Preamble of the Bill was a vote in which the Committee was equally divided, and it was only decided by the casting vote of the Chairman of the Committee. As he had said, it was a Hybrid Committee. The object of sending the Bill to a Hybrid Committee was that the interests of the public, which would not be watched over by those who had a *locus standi* before a Private Bill Committee, might be in a Hybrid Committee better protected; and a Hybrid Committee ought to have reported to the House, in order that the House might be certain whether those public interests had been duly protected in this instance or not. He knew very well that if a Canal got into the hands of a Railway Company, especially a Canal through which a great deal of outside traffic passed to the London Docks, that the public interest would be placed in very great jeopardy indeed. Under these circumstances, he should support the Amendment moved by his hon. Friend the Member for Gloucester.

Baron DE FERRIERES said, he had been requested by the Ross Dock and Railway Company to support the Amendment of his hon. Friend the Member for Gloucester (Mr. Monk). The Bill involved a very serious question for the Canals of the West of England. All those Canals concentrated at Paddington, and they there came into communication with the Regent's Canal. Hitherto it had been possible for them to pass their traffic at once to the London Docks; but if this Bill passed they would be placed at the mercy of the Railway Company. He knew that it was very easy to pass a clause in a Private Bill; but, as a matter of practice, it was just as easy to nullify such a clause in its operation, and instead of a Railway Company being compelled to keep open a Canal, in the course of a few years, if this Bill passed, it would be found that the Canal Companies in the West of England were unable to communicate with the Docks in the East of London. He therefore thought that those who opposed this Bill were justified in departing from the usual custom of the House; and he entertained a strong hope that the Bill would not be allowed to pass in its present shape. If the Railway Company wished to construct a new line in this direction, let it avail itself of the usual course, and bring in a Bill for the purchase of the land and the construction of the line. The only explanation given to the House by the Chairman of the Committee for granting this concession to a Railway Company was that it would save the Company a sum of £2,500,000; and for the sake of effecting that saving the whole of the Canal traffic of the West of England was to be sacrificed. He trusted that the House would divide against the unjustifiable mode of action proposed by the Bill.

MR. ROBERTSON said, he intended to be very brief in his remarks, as he knew the House did not regard with much favour a protracted debate upon a Private Bill. All he wished to call the attention of the House to was that this was not the absorption of a Canal by a Railway Company. It might be so according to the letter, but it was certainly not according to the spirit. This was a case of an existing Canal which had already a railway constructed along a portion of its banks, and it was now desired to utilize the whole of the property not only as a Canal, but as a railway. By sanctioning the construction of the railway the Canal would not be destroyed; but it would be converted into a better Canal for the purpose of traffic than it was now. He spoke from facts that were proved before the Committee, and from facts within his own knowledge; and he altogether repudiated the assertion that the passing of this Bill would involve the destruction or even the slightest injury to the Regent's Canal. The question, however, was whether the House in this case was to be governed by its ordinary Rules, or to establish a new precedent in the interest of special constituencies either in the West of England, Warwickshire, or any other part of the country. With regard to the resolution of the Chambers of Commerce represented by the hon. Member for Gloucester (Mr. Monk), he certainly could have no great feeling in its favour when he found that it was a general resolution respecting Canals generally, and calling upon the House to pursue a certain course in regard to them. The hon. Member for Glasgow (Mr. Anderson) said that the public were not represented before the Committee. He evidently was ignorant of the fact that 76 Petitions were presented against the Bill, and that the Committee sat for 20 days upon it. He had never seen so many counsel assembled, and, so far as he was able to judge, every interest was represented and fully inquired into. Then, in regard to the Report, all the special recommendations of the Board of Trade were given effect to in the Report of the Committee. The hon. Member for Glasgow said they made no special Report; that was altogether a mistake. They not only made a special Report, but they reported that they had inserted clauses in the Bill to carry out the recommendations of the Board of Trade. Under these circumstances, he would ask the House, in justice to those who had obtained a decision of a Committee upstairs, not to be tempted to enter into an analysis of the composition of the majority by whom the Preamble was passed, but to adopt the recommendations which were arrived at. If they were to enter into an analysis of this kind, where were they to stop? Were they to inquire into the character of the Chairman? If so, the character of the hon. Member for Herefordshire (Sir Joseph Bailey) was above all suspicion, and were his views to have no effect at all? He contended that this was too late to discuss the general merits of the Bill. The House had assented to its principle on the second reading, and had referred the consideration of its details to a Committee upstairs; and they were bound now to support the decision their own Committee had arrived at. He hoped the House would adhere in this case to the ordinary practice and custom, and would allow the Bill to be read a third time.

SIR JOHN R. MOWBRAY said, he knew that important Business was about to be brought before the House, and the value of the time which was now at the disposal of the House; and he would, therefore, not occupy the attention of the

House for more than a few moments. He thought, however, that the House ought to consider that a grave question was raised when they were asked to reject a Bill which the Committee and the House had sanctioned. He had heard the statement of the hon. Baronet who presided over the Committee (Sir Joseph Bailey), and also that of the hon. Member for Warwick (Mr. A. Peel), who admitted that a more able Chairman could not have been appointed, although he advocated the other side of the question. The whole of these matters had been fully investigated. The hon. Member for Gloucester (Mr. Monk) said the Committee was a Hybrid Committee. No doubt, it was a Hybrid Committee, but that made the decision of the Committee of greater importance. The Bill was not submitted to an ordinary Committee of four Members, but to a Committee of nine, five of whom were added by the Committee of Selection. The hon. Member said that the Bill was passed by the casting vote of the Chairman. It was not passed by the casting vote of the Chairman; but the fact was that, when the numbers were equal, the Chairman voted in the majority. Therefore, the majority was five against four. Then, what was the result? The result was, that they were having the whole matter argued out again on the floor of the House by the advocates of both sides of the question. The hon. Member for Cheltenham (Baron De Ferrieres) came forward, and without any experience of the investigations of a Select Committee—for he believed the hon. Member had never sat on a Select Committee in his life—came forward now and asked the House to constitute him a Court of Appeal, and on his representation to throw out the result of an inquiry by a Committee which had sat for 16 days, and had inquired most carefully into the whole of the questions submitted to them. If the House would only consider the labour and difficulty the Committee of Selection had in getting hon. Members to undertake the onerous duty of serving upon Select Committees, he thought they would see the necessity of supporting the Committee when they had arrived at a conclusion. If the Committee had exercised their discretion wrongly, there was still a Court of Review in "another place." He called upon the House not to reject the Bill on an *ex parte* statement, either from the hon. Member for Cheltenham (Baron De Ferrieres), or the hon. Member for Gloucester (Mr. Monk), or the hon. Member for Warwick (Mr. A. Peel), or from hon. Members who were interested in the West of England; but to sustain the decision arrived at after careful inquiry by an able and impartial Committee.

Mr. W. M. TORRENS said, he wished simply to bear his humble testimony to that which had been so well expressed by his hon. Friend opposite in deprecating most earnestly this new practice. The House was sought to be seduced into putting great questions of legislation regarding traffic and property literally to a "Whip" on both sides of the dispute as a Court of Appeal. Was this a time to ask the House that they should subject themselves even to a suspicion of such a mode of dealing with public interests? There had been the greatest difficulty in getting the House to agree to a decision on the second reading of the Bill, and it was at his instance that it was referred to a Hybrid Committee. His hon. Friend the Member for Warwick (Mr. A. Peel), than whom there was no sounder authority in the House, came down on that occasion and opposed the Bill on general grounds of public principle. His hon. Friend opposed its reference to an ordinary Select Committee; but, on the other hand, there were very strong representations made of public interests that required the Bill not to go to a Committee in the ordinary way. The House was in a state of doubt, when he (Mr. Torrens) humbly suggested, with the entire concurrence of the Government, who approved of the course taken, that there should be an appeal to that peculiar tribunal called a Hybrid Committee. The Committee of Selection were able to introduce a certain number of men of experience and ability to act along with the four Members usually appointed to inquire into a Private Bill. His hon. Friend the Member for Warwick acquiesced in that course, and he believed that his hon. Friend was satisfied that there was reason and justice in that alternative. Well, then, having used that mode of arriving at an independent conclusion, were they now to throw over all that the Committee had done? Were they to disregard all the evidence that had been taken? Were they to set aside their own decision on the second reading, and by merely appealing to votes in the Lobby, whipped up on behalf of the great Companies concerned, were they to say they were not really capable of giving an independent judgment themselves on the second reading? There was no doubt whatever that the public at large would regard with great doubt and misgiving such a course on the part of the House. He hoped he would not be misapprehended when he said he thought the present moment peculiarly unfitted for taking such a course, because, if he was not greatly misinformed, something of a similar kind had been done "elsewhere," and from somewhat similar reasons. If Parliament was to follow that course and set up that new system of a chance-medley tribunal, he believed they would soon lose the confidence of the country. Before he sat down he would mention one point which he thought the House did not thoroughly appreciate. It was said that the traffic of the Western Canals might be injured by the control that would be exercised by this Railway Company if it obtained dominion over the Regent's Canal. Now, the truth was this—the great bulk of the Western traffic went into the Thames at Brentford, and therefore there would be no injury to that traffic at all.

MR. CAINE remarked that this was a Bill to enable the Regent's Canal to acquire one of the most important waterways of the country. Now, he had sat upon a Select Committee of that House during the greater portion of the Session, and the whole of last Session, to inquire into the question of Railway Rates. Witness after witness had come forward to complain of the great evil inflicted upon the trade of the country by enabling Railway Companies to acquire waterways. On that ground he should vote against any measure brought into that House to enable a Railway Company to acquire the waterway of any Canal.

MR. LALOR said, he wished to warn the House against the great danger of allowing Railway Companies to monopolize the waterways of the country, and he would give a reason from what had occurred in his own country a few years ago. There was a Canal in Dublin which ran to the West of Ireland, and the line of the Great Western Railway ran by the side of the Canal down to Mullingar. A few years ago the Railway Company sought to obtain possession of the Canal from Dublin to Mullingar. It succeeded in doing so, and what had been the result? The Railway between Mullingar and Dublin had monopolized the whole carrying trade of the district of the whole of the West of Ireland from Dublin, and the Canal was left absolutely idle. And when he said that the railway had monopolized the whole trade of that great district, it was scarcely necessary that he should add that as there was no competition it had increased its carrying prices nearly double.

MR. HICKS said, that many remarks had fallen from hon. Members on both sides of the House as to to the propriety of the question being entered into by the House. They had been told that the Committee was not a Private Committee, but a Hybrid Committee, and that the Report of the Committee was only carried by a majority of 1, and, further than that, there ought to be a full Report of their proceedings. Now, he would like to ask the House what was the use of having a Report of the proceedings of the Committee if they were not allowed to consider it? He was of opinion that the questions raised by the hon. Member for Gloucester (Mr. Monk) affected the whole of the waterways of the country. The hon. Member for Cheltenham (Baron De Ferrieres) had stated with great force the way in which the handing over of the Canals to the Great Western Company would, in effect, place the whole of the Canal system of the West of England at the mercy of that Company. But in pointing out the effects which would result from such a course, the hon. Member had omitted to draw the attention of the House to the fact that the evil did not stop with the West of England, but that it would extend to the whole of the Canal system from London to Liverpool and Manchester, and also from London to Hull. In point of fact, the whole network of the Canal and water system of this country was to be handed over to one railway, in order to enable that railway to save a small sum in the cost of constructing a new line. He trusted the House would never consent to do that, but that, bearing in mind the great and serious complaints that were made by all the trading and commercial Associations in the Kingdom in reference to the way in which the railways treated traders in regard to differential rates, they would reject this proposal and decide upon keeping up the freedom of the water communication.

Question put.

The House *divided:*—Ayes 220; Noes 74: Majority 146.—(Div. List, No. 120.)

Main Question put, and *agreed to* (Queen's *Consent* signified).

Bill read the third time, and *passed.*

QUESTIONS.

THE ROYAL IRISH CONSTABULARY—PAY AND PROMOTION.

Mr. GIBSON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Government has as yet decided on the changes in pay and promotion of the Royal Irish Constabulary recommended by the Commission on the subject; when such decision will be announced; and, whether, having regard to the disappointment of the officers in the Force at being entirely excluded from the recent Grant of £180,000, he will take care to expedite the amelioration of their position, pursuant to the proposals of the Commission?

Mr. TREVELYAN: On receipt of the Report of the Committee appointed by the late Lord Lieutenant, this subject received the prompt and careful attention of the Government, and a scheme based upon the recommendations of the Committee was prepared by my Predecessor (Mr. W. E. Forster) and submitted to the Treasury, and, in the main, approved. It was found, however, to require amendment in some important particulars, in the interests of the officers of the Force, and had to be referred back to the Committee on these points. The Government is most anxious to announce a final decision, which, however, as financial considerations are involved, will require the concurrence of the Treasury; but I will take care that the matter is expedited as far as possible.

EVICTIONS (IRELAND)—EVICTIONS IN CONNEMARA.

Viscount LYMINGTON asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to a statement made by Mr. Tuke, in a letter to the "Standard" of 5th June 1882, that, during a period of a few weeks' visit to Connemara, he knew of the eviction from a portion of that district of three hundred and fifty families; and, whether the above statement is accurate; and, if so, whether in any of the above cases notice of application to the Land Court had been given by the tenants; what were the number of such cases; and, whether he can give an explanation of the reason of such numerous evictions?

Mr. MITCHELL HENRY also asked whether the right hon. Gentleman had received information to the effect that in the course of a few days processes would be issued against nearly 500 families in the same district to be evicted from their homes?

Mr. TREVELYAN: I have seen Mr. Tuke's letter referred to in the Question of the noble Viscount. The total number of families evicted in Connemara during the last two months is 218. It is difficult to answer the portion of the Question relating to the applications to the Land Court, as it cannot be answered by the Land Commissioners without the names of the tenants being given. I have, however, in the time allowed me by the noble Viscount, been able to give the names in 163 of the cases; and I find that 14 out of these 163 tenants had served originating notices. In all the cases, the evictions were for non-payment of rent.

ARMY—ORGANIZATION OF THE CAVALRY.

Colonel O'BEIRNE asked the Secretary of State for War, Whether he intends to introduce any changes in the organization of the Cavalry at an early date; and, if so, whether the recommendations of the recent Committee on this subject will be adhered to?

Sir ARTHUR HAYTER (for Mr. Childers): In reply to my hon. and gallant Friend, I have to remind him that the Secretary of State stated, in moving the Estimates, the several alternatives which might be adopted in improving the organization of the Cavalry, and that he hoped to make some proposition to Parliament next year. He sees no reason for anticipating that intention by adopting any of the proposals this

Session. The matter is not very urgent, as was explained in the statement of the Secretary of State.

THE MAGISTRACY (IRELAND)—THE DERRY CITY BENCH.

MR. REDMOND asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the attention of the Government has been directed to the composition of the Derry City bench of magistrates; whether it is a fact that, while the Catholic inhabitants of the city number 18,000, and all other denominations only 12,000, there are only two Catholic magistrates upon the Bench; whether these two gentlemen, Mr. P. T. Rodgers and Mr. John O'Neill, since the 15th of May last, have refused to sit upon the Bench, in consequence of their opinions being systematically ignored and overridden by their Protestant colleagues, who for the most part attend only when party cases are to be tried; and, whether any steps will be taken to increase the confidence of the Catholic inhabitants in the administration of justice?

MR. MACARTNEY also asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the record of the Londonderry Magisterial Court would not show that Mr. John O'Neill, a Roman Catholic magistrate, had not sat in that Court on four out of six days when Sessions were held; whether 75 per cent of the crime committed in Londonderry was not committed by Roman Catholics; whether, granting that there might be in that city 18,000 Roman Catholics, 19-20ths of the employers of labour were not Protestant, and mostly Liberals; and whether the majority of the Londonderry Bench were not Liberal Presbyterians and not Tories?

MR. TREVELYAN: If the hon. Member for Tyrone (Mr. Macartney) only wishes to state the counter view, it can hardly be expected that I am at the present moment prepared with the information asked. The Catholics of Derry number 16,000, and the Protestants 13,000. There are at present only two Catholic magistrates on the Bench. I am aware that in consequence of some difference of opinion on the Bench, there has been unwillingness on the part of the Catholic magistrates to sit, which I hope will not be permanent. I am sure the Lord Lieutenant will be quite prepared to remove any just cause of complaint, and to consider the claims of any eligible Roman Catholic gentlemen whose names may be submitted to him for appointment to the Commission of the Peace.

MR. REDMOND: Is the telegram to the effect that the Government have appointed a stipendiary Catholic magistrate correct?

MR. TREVELYAN: I cannot say.

MR. CALLAN: Is it the fact that the recommendation for appointments to the borough magistracy in Derry rests, not in the hands of the Lord Lieutenant, but in those of the Liberal Irish Executive?

[No answer was given to the Question.]

LAW AND POLICE (IRELAND)—REMOVAL OF PLACARDS.

MR. REDMOND asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that the following placard has been torn down by the police in various places in Ireland:—

> "Labour Question.
>
> "The Labourers of this district are called upon to attend a preliminary meeting on , at , to form a branch of the 'Irish National Labour League.' All persons wishing to further the cause of Irish industry will, by their presence, show their desire to forward the above much wanted movement.
>
> "God save the People;"

and, whether, if so, the police acted in accordance with his instructions?

MR. TREVELYAN: The Inspector General of Constabulary informs me that possibly the police may in some cases have torn down some of these placards; but he thinks it unlikely that they have done so. If the placards were torn down in any instance, the local constabulary acted altogether on their own responsibility. A Circular is being prepared on the subject.

ARMY—COST OF SALUTES.

COLONEL NOLAN asked the Financial Secretary to the War Office and the Secretary to the Admiralty, How much is expended annually by the Army and in the Navy on salutes?

SIR ARTHUR HAYTER: In reply to the Questions which my hon. and gallant Friend addresses to the Secretary to the Admiralty and myself, I have to say that if he will move for a Return of this expenditure during the last year it shall be given to him. The information will take some little time to collect. Perhaps my hon. and gallant Friend will speak to me as to the form of the Return, and I can, I think, give him one which will be satisfactory.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MESSRS. A. AND P. GALLAHER.

Mr. LALOR asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the case of the Messrs. Andrew and Patrick Gallaher, who are confined as suspects in Naas Gaol since last November, on the charge of intimidation, while many others, imprisoned at the same time, and on a similar charge, have been released; and, if there is any special reason for treating them with exceptional severity?

Mr. TREVELYAN: The cases of Messrs. Andrew and Patrick Gallaher came before His Excellency on the 6th instant. He deemed it necessary to have further inquiries made, which is now being done.

SOUTH AFRICA—CETEWAYO, EX-KING OF ZULULAND—RESTRICTIONS AS TO CORRESPONDENCE.

Mr. DILLYWN asked the Under Secretary of State for the Colonies, Whether Her Majesty's Government or the authorities at the Cape have recently imposed any new restrictions on the Correspondence of Cetewayo or his liberty of action?

Mr. R. N. FOWLER also asked when the Correspondence with regard to Cetewayo would be laid upon the Table?

Mr. EVELYN ASHLEY, in reply, said, that neither Her Majesty's Government nor the authorities at the Cape had imposed any new restrictions on the correspondence of Cetewayo or on his liberty of action, except in one particular. About the middle of last month the Secretary of State sent instructions to Sir Hercules Robinson, the Governor of the Cape, begging him to take care that no messages were sent into Zululand by Cetewayo, unless with the knowledge and sanction of Sir Henry Bulwer, the Governor of Natal, and the Special Commissioner for Zulu Affairs. The Papers in question were in course of preparation, and would be laid upon the Table as soon as possible.

LAW AND POLICE (IRELAND)—MISS M'CORMACK.

Mr. O'SULLIVAN asked Mr. Attorney General for Ireland, If he is aware of the fact that, on Wednesday last, while a young lady named McCormack was walking in company with two respectable married ladies in the town of Kilmallock, the head constable came up and demanded Miss McCormack's name, telling her at the same time that she should leave the town; and, under what statute has a constable such power, and who directed him to take such summary proceedings?

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): The Head Constable in charge of Kilmallock district was aware that Miss M'Cormack was an active and prominent member of the Dublin Ladies' Land League, who for her proceedings in an adjoining county had recently been in prison because she refused to give security for her good behaviour. She was a stranger in Kilmallock, and the constable, seeing her going from house to house, accompanied by two other prominent members of the Ladies' Land League, seems to have been afraid she would be the cause of disturbance in the district, and warned her to leave. This he did as a constable charged with the general duty of keeping the peace of the district, and not under any special Statute.

Mr. HEALY wished to ask whether Her Majesty's Government approved of the conduct of the constable in the matter?

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): That is a Question which I would require some little time to consider; but having regard to the general condition of Ireland at present, I think that if any person who is charged with the duty of keeping the peace sees in his district anyone whom he considers liable to disturb the peace, he is hardly exceeding his duty by requesting that person to leave.

Mr. O'SULLIVAN reminded the right hon. and learned Gentleman that he had forgotten to answer the latter part of the Question—namely, under what Statute had a constable such power, and who directed him to take such summary proceedings?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that the constable appeared to have been afraid that the peace of the district would be disturbed, and that was the reason he warned the lady. The constable was himself in charge of the district, and he did not appear to have received specific instructions in this case. [Several hon. MEMBERS: Under what Statute did he act?] Not under any Statute; but in the discharge of his general duty to preserve the peace.

MR. T. P. O'CONNOR asked the Home Secretary, Whether, considering the fact that a constable could order a lady, a native of Ireland, out of the town that she was visiting, he thought it necessary to have an Aliens Clause in the Bill before Parliament?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON): She was not ordered at all.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PERSONS DETAINED UNDER THE ACT—THE ISLAND OF ARRAN.

MR. DILLON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Edward Slevin was arrested in Mayo on the 11th March 1881, and is still in Kilmainham Gaol, under the Protection Act; whether his case has been considered, and why he is not discharged; whether William Kennedy, of Oola, in the county of Limerick, was arrested on the 9th March 1881, is still in Kilmainham Gaol, and why he was not discharged when the Right honourable Member for Bradford ordered the discharge of all the Limerick suspects; whether Coleman Naughton, arrested in January last in the Island of Arran, is still in Kilmainham; whether he is unable to speak or understand English, and has suffered much in health; and, whether the Island of Arran has for a long time been in a perfectly peaceful state, and why Naughton is not released?

MR. TREVELYAN: Edward Slevin's release was ordered yesterday. William Kennedy some time ago voluntarily offered, if released, to go at once to America. His Excellency is prepared to order his release on these conditions; but he now declines to go, and he cannot at present be released with safety to his district. I answered the question about C. Naughton yesterday. His health has not suffered by the detention. The Lord Lieutenant is now making some further inquiries into his case; but I regret that the information I have leads me to conclude that the Island is not in the satisfactory state the hon. Member seems to think.

MR. DILLON asked whether the right hon. Member for Bradford did not state that he had ordered the release of all the Limerick "suspects?"

MR. W. E. FORSTER said, that his statement referred to those who had been arrested since Mr. Clifford Lloyd had been in the county; but Kennedy was arrested many months before.

SIR HENRY FLETCHER asked the Chief Secretary to the Lord Lieutenant of Ireland, How many persons reasonably suspected of inciting to the crime of murder have been recently released by the Lord Lieutenant; and, whether the persons whose lives were jeopardized by the suspects had any communication made to them before the release of the persons who had incited their murder?

MR. TREVELYAN: His Excellency has, in the course of the month, released only two persons who were in custody suspected of inciting to murder. In these cases His Excellency has satisfied himself, before ordering the release of a "suspect," that there were no reasonable grounds for apprehending danger, either to the persons whose lives had been previously endangered, or to any person in the district. His Excellency is unable to authorize me to enter into the question of the strength or weakness of the evidence of the cases, or to disclose the names of the persons with whom he has communicated on these matters.

SIR HENRY FLETCHER repeated the latter part of the Question.

MR. HEALY rose to a point of Order, and asked whether it was in accordance with the Rules of the House that a serious charge, one of murder or of manslaughter, should be insinuated by a Question?

MR. SPEAKER said, he was not prepared to accept the construction put upon the Question, although it did appear to be out of Order.

MR. TREVELYAN said, that he could only repeat that he was not authorized to enter into details.

Mr. BRODRICK asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true, as reported in the "Times" of June 8th, that three persons, charged with intimidation, and imprisoned in default of giving bail for good behaviour, have been unconditionally released; whether the sentences under which these persons were confined were not perfectly legal; whether they were released without any communication with the convicting magistrate, and without giving bail for good behaviour, which was the sole cause of their imprisonment; and, whether this act of the Executive is not calculated to encourage intimidation and weaken the authority of the Law in Ireland?

Mr. TREVELYAN: I will answer the hon. Member's Question, and with it the Questions of the noble Lord the Member for Down (Lord Arthur Hill) and the hon. Baronet the Member for Wigtonshire (Sir Herbert Maxwell). There were 13 people in prison in default of giving bail, of whom several were women. They were committed in a perfectly legal manner. They had been in prison for periods varying from three months to six weeks; and the conduct which had caused them to be held to bail was of a character for which an imprisonment of that length and nature would have been a sufficient punishment. Under these circumstances, the Lord Lieutenant consulted the committing magistrates. In the majority of cases the magistrates stated that the prisoners, considering the condition of their districts and the punishment already inflicted, could be released. His Excellency cautioned the released persons that they would be liable to be bound over again, and committed in default of bail, in case they renewed illegal practices. In my opinion, this is an act of the Executive which is calculated to strengthen, and not to weaken, the authority of the law in Ireland.

Sir HERBERT MAXWELL asked, if Mr. Abraham, one of the released persons, had given any undertaking to abstain from a repetition of his offence?

Mr. TREVELYAN: These persons were put in prison for the very reason that they would not find bail. His Excellency has made no sort of arrangement with them; but he has informed them that if they renew their practices they may be held to bail again. Men who would not give bail obviously would not give promises.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. J. P. Quinn is confined in Enniskillen on suspicion of incitement against paying rent; whether he is aware that Mr. Quinn was only assistant secretary in the Land League offices, and that he had made no speech for at least a year before his arrest; whether he will state in what way Mr. Quinn "incited" as alleged; and, whether, seeing that he is a resident of Dublin, the same grounds for releasing him, viz. the peace of his district, do not exist, as in the case of the secretary to the League, Mr. Brennan, who has been discharged?

Mr. TREVELYAN: This Question only appeared this morning. Mr. Quinn is detained in Enniskillen Gaol. The hon. Memher will find in the Return before the House the only information in reference to his arrest that can be made public. His Excellency reconsidered his case a few days ago, and decided that he should be detained for the present.

Mr. DILLON asked the Chief Secretary to the Lord Lieutenant of Ireland, Why Richard Bourke and John Cullinan, suspects from Bursha, county Tipperary, are still detained in Kilkenny Gaol, when all the other suspects from that and surrounding districts have been released?

Mr. TREVELYAN: His Excellency has this day received the result of inquiries which he directed to be made in John Cullinan's case, and has decided to release him. His Excellency had Richard Bourke's case before him on the 2nd instant, and then decided to detain this prisoner for the present, but directed further inquiry to be made. When the result shall have been submitted to him, he will reconsider the case.

EGYPT (POLITICAL AFFAIRS)—THE PROPOSED CONFERENCE.

Mr. ASHMEAD-BARTLETT asked the Under Secretary of State for Foreign Affairs, Whether it is a fact that the British Government intend to press for a Conference against the opposition of the Porte; whether the Sultan has, propriâ motu, offered to restore order, maintain the status quo, and support the Khedive; and, if so, what necessity exists for a Conference; and, whether, in view of the injury to British interests which would be caused by the alienation of Mussulman feeling in the East, Her Majesty's Government will abstain from joining with France in further political intervention or pressure?

SIR CHARLES W. DILKE: On Monday, in answer to the right hon. Gentleman opposite (Mr. Bourke); on Tuesday, in answer to the hon. Member for Portsmouth (Sir H. Drummond Wolff); on Wednesday, in answer to the hon. Member for the County of Wicklow (Mr. M'Coan); and yesterday, in answer to the hon. Member himself, I gave answers to various parts of this Question as far as was consistent with the interests of the Public Service, and I can add nothing to what I have already stated.

MR. ASHMEAD - BARTLETT said, that if the refusal to answer the Question were grounded on the fact that it would be injurious to the Public Service, he would not press it further; but he thought there could be no harm in answering the first and second parts of the Question, which related to matters of fact; there might be some objection to answering the latter part of the Question. At the same time, he begged to say——[*Cries of* "Order!"]

MR. SPEAKER said, the hon. Member would not be in Order if he renewed the Question which had already been answered.

SIR CHARLES W. DILKE: The first paragraph asks a question, not with regard to a fact accomplished, but with regard to an intention; the second ends by asking an opinion as to the necessity for a Conference; therefore, the answers could hardly be mere statements of matters of fact.

MR. ASHMEAD - BARTLETT gave Notice that in consequence of the replies he had received, he should take an early opportunity of bringing the question before the House in the only way open to private Members.

LAND LAW (IRELAND) ACT, 1881—SECTION 31—ADVANCES TO IRISH TENANTS.

MR. HEALY asked the First Lord of the Treasury, If his attention has been called to the facts disclosed in the Return respecting advances to tenants under Section thirty-one of the Land Act, from which it appears that, out of a total of 347 applications, not a single penny has been granted by the Irish Board of Works; and, whether, in view of this, the Government will take into renewed consideration the representations made last year by Irish Members as to the restrictions insisted on by the Treasury, and the continuance of Colonel McKerlie at the head of the Board of Works?

MR. GLADSTONE: This is a very difficult Question indeed, and the subject to which it relates is certainly the most difficult of those which pertain to the Executive portion of the Land Act. The facts are not exactly as the hon. Member appears to suppose, because matters have advanced a little further since the date to which the Return extends. At present, 36 of those loans have been sanctioned by the Treasury, and the sum authorized to be advanced is over £8,200. It would be premature if I were to express an opinion whether the clause can operate with tolerable freedom or not under the present regulations; but, of course, it is to be expected that the House will consider that matter, and that the subject will have to receive attention, though I cannot say whether it would be presented to Parliament separately or dealt with in connection with other important financial questions requiring the consideration of the Government.

MR. HEALY: May I ask the right hon. Gentleman if he has any objection to extend this Return and lay it on the Table from time to time, probably every month?

MR. GLADSTONE: I think that would be very proper. Perhaps the end of June would be a convenient opportunity.

CRIME AND OUTRAGE (IRELAND)—MURDER OF MR. W. BOURKE AND ESCORT — THREE FARMERS SHOT AND MAIMED.

SIR STAFFORD NORTHCOTE: I wish to ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has received any further information with regard to the terrible crime which was reported yesterday, the murder of Mr. Walter Bourke; and, also, whether there is any truth in the reports since received of further outrages in Ireland?

MR. TREVELYAN: I have received a great mass of telegrams, out of which

I have hastily extracted what I think will be novel and interesting to the House. One telegram says—

"Mr. Bourke came into Gort, where some land cases were for trial, accompanied in his trap only by a corporal of Royal Dragoons. Not one of the tenants appeared to meet the cases. The soldier had only come down the day before yesterday. Five men had loopholed the wall inside the garden and next the gate at Castle Taylor, and shot both as they passed. The soldier was trying to load when shot. Mr. Shaw Taylor was close by, heard the shots, and saw the men pick up the two rifles, and walk away."

Another telegram is as follows:—

"Double murder at Castle Taylor: Further particulars.—Mr. Bourke left home at 8·30 a.m. yesterday, with escort of one soldier, to attend Gort Land Sessions, to which he was summoned by tenants (not one of whom appeared). The assailants were in ambuscade at one of Castle Taylor gates. They escaped across fields, taking with them a Winchester repeating rifle and a Cavalry carbine from the murdered men. Were seen by Mr. Shaw Taylor, who was coming up the road, who says there were five or six men walking fast, not running, in extended order across the field; nearest, who presented gun at him, 60 or 80 yards distant. All carried guns, and one had two. Does not know any of them. Described them as well-dressed in frieze of the country, and low hats. Had heard five or six shots in rapid succession from direction where bodies were found. Death appears to have been instantaneous. Inquest at 1 p.m. to-day. Three arrests on suspicion."

I have next another telegram in almost identical terms. Then comes a series of telegrams in reference to another outrage, which there is reason to believe was not an agrarian murder in any sense, and which I need hardly read. [*Cries of* "Read!"]

"From Sub-Inspector Clones.—Altercation arose last evening between Edward M'Phillip and three brothers named M'Aviney. M'Phillip was knocked down. Immediately attended by doctors, life was extinct. Inquest will be held to-day. Three M'Avineys arrested."

The next telegram is—

"From Constable, at Ballyfarna.—Henry East, of Covatrench, wounded at 4 p.m. on the 8th instant by three men unknown, having received three revolver shots in the leg, breaking one. Motive, agrarian."

I gather from a non-official telegram that the case is likely to prove fatal. The next is—

"From Sub-Inspector, at Crossmalina.—Michael Browne, farmer, Rathglass, fired at and wounded by party of six men, near his own house, at 6 p.m. on the 8th instant. Revolver ball lodging in right leg; agrarian."

I have also received the following telegram from Castleisland:—

"Cornelius Hickey, of Crinny, was fired at and received two revolver bullets in right leg, about 6 p.m. yesterday, when returning from Castleisland. Motive agrarian. Wound not considered dangerous. Four arrests."

Colonel Brackenbury sums up those outrages in the following telegram:—

"Besides murder of Mr. Bourke and soldier yesterday in Galway, the following outrages are reported:—Michael Browne, farmer, Rathglass, county Mayo; Henry East, of Covatrench, county Roscommon; Cornelius Hickey, of Crinny, county Kerry, all severely wounded in the legs by bullets fired from revolvers. All these four outrages took place between 3 and 6 o'clock in the afternoon. I invite your attention to the similarity of crimes over this wide area, and to its simultaneous commission."

It is against outrages of this kind that the Prevention of Crime Bill is directed—not the 4th clause, which we are considering, but the 9th clause.

PARLIAMENT—RULES AND ORDERS—STANDING ORDER 167.

Mr. ARTHUR ARNOLD asked the Chairman of Committees, Whether he would allow a week to elapse between the Notice of Motion and his intended Amendment to Standing Order 167 and the discussion of that Amendment?

Mr. LYON PLAYFAIR said, that the House would remember that Order 167 was referred to a Select Committee, and that the Select Committee had reported upon it. He had thought it desirable to deal with the matter in a Bill; but the Government did not share his opinion. He had been in communication with the noble Lord who occupied a similar position to himself in "another place" on the subject, and in the event of his bringing forward his Motion he would willingly accede to the request of his hon. Friend.

EGYPT (POLITICAL AFFAIRS) — THE KHEDIVE.

Lord EUSTACE CECIL asked the Under Secretary of State for Foreign Affairs, Whether, in view of the very menacing attitude adopted by the military party in Egypt, according to the latest accounts, effective measures have been taken to protect the Khedive from personal violence?

Sir CHARLES W. DILKE: It is the opinion of Her Majesty's Government that the Khedive, whose conduct has been perfectly straightforward and courageous, is entitled to the full support of ourselves, of Europe, and the Porte. Her Majesty's Government would be sorry to acknowledge the possibility of such an outrage as personal violence to His Highness, and, in point of fact, they do not apprehend such a danger.

AFFAIRS OF MALTA—NOTICE OF MOTION.

MR. MAC IVER asked the hon. Member for Glasgow, Whether he intended to proceed with his Notice of Motion relating to the Affairs of Malta, and whether he had any expectation of bringing it forward? He had received many communications from Malta on the subject, and he would be glad to have the terms of his hon. Friend's Notice of Motion.

MR. ANDERSON said, it would require a very sanguine temperament to believe that the House would get through Committee on the Prevention of Crime Bill by Friday next, which was the day he had secured for bringing on his Motion. He intended to bring it on, if he had the opportunity, the terms of the Motion being—

> "That it is the opinion of this House that the long tried loyalty of the people of Malta to British rule deserves more consideration than it has received; that the several reports of Mr. Rowsell, Sir Penrose Julyan, and Mr. Keenan, as well as the numerously signed Petitions of the people, prove that great changes in the civil administration of the island are urgently required, and that Her Majesty's Government ought to be doing more than they have been doing to carry out the needed reforms, and so to promote the prosperity and secure the contentment of the Maltese people."

PARLIAMENT—RULES AND ORDERS—ORDER OF BUSINESS.

MR. GORST asked Mr. Speaker, Whether the Government were in Order in putting down as the second Order of the Day the Committee on the Arrears of Rent (Ireland) Bill? He believed that on Fridays, by a Standing Order, the first Order of the Day must be Committee of Supply. Although the House had passed a Resolution giving precedence to the Prevention of Crime Bill, he believed that no precedence was intended to be given to the Arrears of Rent Bill.

MR. SPEAKER said, there was no doubt that the first Order of the Day on Fridays should be Committee of Supply, and that, a Resolution having been passed to give precedence to the Prevention of Crime Bill, the Order of Committee of Supply should have taken the second place.

ORDERS OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[BILL 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 8th June.*]

[EIGHTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART II.

OFFENCES AGAINST THIS ACT.

Clause 4 (Intimidation).

Amendment again proposed,

In page 3, line 24, to leave out all the words after the word "Act," to the end of the Clause.—(*Mr. Bryce.*)

Question proposed, "That the words 'In this Act the expression '"intimidation"' stand part of the Clause.'"

MR. DILLON said, that a much wider interpretation was given to the clause as it stood than the Government attributed to it. He proposed to quote a passage from one of the leading Metropolitan journals, in order to show the construction which was put upon the word "intimidation," as it was introduced by the Home Secretary; and he did so for the purpose of showing the absolute necessity of prolonging the discussion of the clause, in order that the Members of the Committee, and persons outside the House, might be satisfied as to the real object and intention of the clause, no definite understanding having yet been come to as to the exact meaning of the word. The extract was from a paper which represented a considerable amount of public opinion. It said—

> "The Home Secretary's defence of the clause was ingenious. The latter part, he said, 'was only the interpretation put upon intimidation in the first part.' In other words, no person would be held to be guilty of intimidation unless he had

> placed compulsion upon others to take part in any riot or unlawful assembly or to resist the processes of the law in regard to eviction."

That was the opinion of *The Standard* as to what the Government meant by intimidation—namely, that nobody would be guilty of intimidation unless he put compulsion on somebody to take part in a riot or unlawful assembly. In arguing against the adoption of the Amendment yesterday, the Home Secretary and the Prime Minister repeated over and over again the statement that practically this clause was drawn in the same spirit as the Act of 1875. He had had the curiosity that day to look at the debate which took place when the Bill of 1875 was passing through the House, and he confessed that the discoveries he had made from perusing that debate had surprised him very considerably. He, first of all, discovered that the clause as it stood in the Act, and as it had been copied by the hon. and learned Gentleman the Attorney General, was a clause which was not drawn by the House of Commons at all, but drawn up by the House of Commons, in substitution of the clause accepted by the House of Commons, and sent up to the other House by a small majority, under great pressure from the Government. It was drawn up by the Lord Chancellor, and was substituted for the clause which had been sent up by the House of Commons. On referring to the report of the debates which took place when the Bill was passing through Committee, he found that right hon. Gentlemen now sitting on the Treasury Bench were in Opposition, and that their views with regard to the crime of intimidation were of a totally different character—indeed, of a totally opposite character — from the views they expressed now. The right hon. and learned Gentleman who was now Home Secretary was not then in Office; and he found the right hon. and learned Gentleman strongly opposing the Intimidation Clause which was then being passed through the House. The right hon. and learned Gentleman made use of the following words. He said that:—

> "He agreed with the hon. and learned Member for Limerick that great mischief might arise from the ambiguity of the clause. So far as it went beyond the existing law, it was altogether unnecessary."—[3 *Hansard*, ccxxv. 1583.]

Those were the words of the right hon. and learned Gentleman the Home Secretary in 1875. Great mischief, the right hon. and learned Gentleman thought, might arise from the ambiguity of the clause, and yet the clause referred to by the right hon. and learned Gentleman was nothing like so ambiguous as the clause now submitted to the Committee. The right hon. and learned Gentleman said the clause was so ambiguous that it might give rise to very great mischief. It was moved by the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross), who had charge of the Bill, and it said that—

> "Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, shall use violence to any person."

And the present Home Secretary then contended that the crime of intimidation, as defined by that clause of the Act of 1875, meant using or threatening violence in such a shape that a magistrate would be entitled to bind the man who resorted to it over to keep the peace; and that, he said, was too ambiguous, and that great mischief might hereafter arise from the adoption of such a definition. But he (Mr. Dillon) did not rest his argument alone on the authority of the Home Secretary. Going a little further into the debate, he met with another friend of Ireland, in the shape of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster). What did that right hon. Gentleman say? He made two very remarkable statements, and he (Mr. Dillon) certainly wished that the right hon. Gentleman would stick to them. If he did, he would be assisting the Irish Members that day in resisting this Intimidation Clause. The right hon. Gentleman, speaking in favour of an Amendment proposed to a new clause, said—"This clause, drawn as it now is, would practically amount to this—that if a man looked crooked at the wife or children of a labouring man he might swear that he had been intimidated." Why did the right hon. Gentleman use that argument? He went on to explain it by saying—"Surely the prosecution should be left to the man who was threatened; a third party ought not to be brought in." Would the right hon. Gentleman stand up to-day and support his opinion of 1875, that the prosecution should be left to the man who was intimidated? That was the view he advocated when in Opposition; and he asked whether the opinion the right hon. Gentleman then expressed, as champion of the working men of Bradford, he was prepared to extend to the working men of Ireland? The right hon. Member for Bradford moved an Amendment in the direction of the principle he had laid down, and, on the right hon. Gentleman's Motion, the clause was amended by the insertion of the words "on complaint made by the person intimidated." That was one of the things which the Irish Members were contending for in this, and surely the right hon. Gentleman ought to support them in their contention. Not only had the right hon. Gentleman moved the Amendment, but he induced a Conservative Government to accept it; and it was inserted in the Bill. But there was one very important point which he (Mr. Dillon) had dwelt upon the other day, and, on the suggestion of the hon. and learned Attorney General, the Home Secretary had overwhelmed him with contempt for having made it. It was that it seemed to him that the House of Commons should never have consented to have passed an Intimidation Clause, such as that which existed in the Act of 1875, if it had not been interpreted in a certain fashion. Now, when he went to examine the records of that debate he found the guess he had made was perfectly correct, and the only way in which the Government got the clause listened to was by giving a pledge so that it should be interpreted in accordance with the Charge of the Recorder of London, delivered in the famous case of the cabinet-makers. The Lord Chancellor said—

> "The Recorder's charge in what was known as the Cabinet-makers' Case embodied the law upon the subject. In the course of his charge the learned Recorder said—
>
> "'The question you will have to ask yourselves is, whether the evidence shows that the defendants were guilty of obstructing and rendering difficult of access the prosecutor's place of business, or whether anything which they did was calculated to deter or intimidate those who were passing to and fro, or whether there was an exhibition of force calculated to produce fear in the minds of ordinary men, or whether the defendants or any of them combined for that purpose. If you think that, it seems to me, then, it will be your duty to find a true bill; but if you think their conduct may be accounted for by a desire to ascertain who were the persons working there, or peaceably to persuade them or any others who were proposing to work there to join their fellow workmen who were contending, whether rightly or wrongly, for the interests of the general body, it seems to me that there is no evidence sufficient to establish the charge that is here made.'
>
> "This expression of the law in the Recorder's charge appeared to the Home Secretary to be exactly the intention and scope of the Act of 1871; and, so far as he was concerned, his right hon. Friend would have been content to trust that application of the Act in future cases. The working-men, too, would, he believed, have been satisfied with this construction of the Act. The House of Commons thought, however, that it was not desirable to leave the question open to any doubt whatever, and words were accordingly introduced into the present Bill, in order that future rulings in similar cases should be placed on the same footing as in the case tried by the Recorder."—[3 *Hansard*, ccxxvi. 38.]

There was no getting behind the statement made by the Lord Chancellor that the clause should be interpreted and ruled by the Cabinet-makers' Case. [Sir William Harcourt: Hear, hear!] The Home Secretary said, "Hear, hear!" If the right hon. and learned Gentleman would be content to be ruled as to the interpretation of the clause by the Charge of the Recorder of London, he (Mr. Dillon) would engage to withdraw all opposition to the clause. But he knew the right hon. and learned Gentleman had no such intention. The right hon. and learned Gentleman wished to persuade them that the English Act contained no proposal upon the Intimidation Clause, when he must have known that at a time when he was a much younger politician than he was now, when he was received as the champion of the rights of English working men, and when his right hon. Friend the Member for Bradford (Mr. W. E. Forster) took a foremost part in the fight, they had both insisted on having a strict definition of the word "intimidation," or else that the Bill should not pass the House. When the Bill came down to the House of Lords to be considered in that House, Mr. Lowe, now Lord Sherbrooke, who was also a champion of the rights of the working men, said, speaking of this open Intimidation Clause, such as it now stood in the Act, having been carried by a very narrow majority—

> "Nothing could be more dangerous or unfair than the use of ambiguous expressions of this kind."—[*Ibid.* 711.]

At the beginning the right hon. Gentleman had stated that it was a case of law between the rich and the poor, and therefore, as Mr. Lowe said—

> "Nothing could be more dangerous or unfair than the use of ambiguous expressions of this kind, especially in a measure which ought to be easy of interpretation, being, as it was, a law between the rich and the poor. The springing of an offence of this kind suddenly upon the country seemed to be one of the most imprudent pieces of legislation he had ever seen, and he was astonished that such a mistake should have been made."—[3 *Hansard*, ccxxvi. 711.]

If that was the interpretation of Lord Sherbrooke, what would he say in reference to the term "intimidation?" The noble Lord had said that—

> "The springing of an offence of this kind suddenly upon the country seemed to be one of the most imprudent pieces of legislation he had ever seen, and he was astonished that such a mistake should have been made."—[*Ibid.*]

What would he say of a Bill which proposed to spring 100 new offences on the country at very short notice indeed? The right hon. Gentleman in charge of the Bill (Sir R. Assheton Cross), in endeavouring to defend the clause, said—

> "In its present form, it was really less strong than it had been before. In its original form the words were 'who threatens or intimidates.'"—[*Ibid.* 712.]

The Irish Members were quite willing to take the words "threatens or intimidates;" but this Member of a Conservative Government went on to say—

> "But there was a question raised as to whether a threat was sufficient to bind a man over for, and therefore the word 'threatens' was omitted. Intimidation, however, was another matter altogether;"

and this was what he (Mr. Dillon) wished to dwell upon—namely, what, in the opinion of the right hon. Gentleman, was the nature of intimidation—

> "Intimidation, however, was another matter altogether, and the clause in its present form, instead of its being stronger than it was, was weaker. [Mr. Lowe: No, no!] In his view it was weaker. It now provided that not only must there be some action on the part of the offender, but it must have a certain effect on the person whom it sought to intimidate."—[*Ibid.*]

That, he (Mr. Dillon) thought, thoroughly explained the matter, and a definition to that effect would enable the farmers in Ireland to get at the meaning which the word "intimidation" in the present clause was to have. But now he came to a speech made by another Member of the present Administration — the right hon. Member for Sheffield (Mr. Mundella). The right hon. Gentleman said—

> "Whatever might have been the intention of the noble Lord who made the Amendment in the House of Lords, the effect would be to leave intimidation wholly without qualification or definition."—[*Ibid.*]

And so it was now; the intimidation was left entirely without qualification or definition. The right hon. Gentleman went on to say—

> "As the Bill stood before, the intimidation was to be such intimidation as would justify a justice of the peace in binding over a person; but as it now stood, the word 'intimidates' was left entirely without qualification, so that the justice would have to decide as to what it might be. No doubt, the intention was to follow the Charge of the right hon. and learned Recorder, but that right hon. and learned Gentleman really defined what he meant by intimidation, using the words 'such an exhibition of force as is calculated to produce fear in the minds of ordinary men.'"—[*Ibid.*]

Would the Government accept the definition of the hon. and learned Recorder of London, which had been regarded as an authoritative definition of intimidation, and had been accepted in that sense by both sides of the House? Would they insert the words of the Recorder of London in this Act? If so, the Irish Members would withdraw all further opposition to it. If they declined to accept that definition, they had no right to say that they were legislating in the same spirit for the Irish peasantry as they did for the working men of England. The noble Lord (Lord Sherbrooke), who used to be an influential Member of the Liberal Party, said what he (Mr. Dillon) had endeavoured to argue the other day, that the necessity for a definition in the clause of the offence of intimidation was very much increased when they bore in mind the nature of the tribunal before which the offence would have to be tried, and also in view of the fact that it was a law made to be administered for the poor man against the rich man. There was another point in favour of his contention that the law of 1875 was passed not as a measure of coercion for the working men of England, but as a measure of relief. A great deal depended on the administration of any law, and the spirit in which it was introduced. The law of 1875 was passed not to coerce the working men of England, and not to put an end to combinations, but for the purpose of relieving working men from restraints; and it was well known that if the Intimidation Clause was to be strictly interpreted, the only result would have been that another Bill would have had to have been introduced in the following year to modify it. He was not sufficiently a lawyer or authority to state the effect of the cases which had been decided under the Act; but there was not the slightest doubt in his own mind that the magistrates and the County Court Judges, in ruling under that Act, appealed to the Charge of the Recorder of London, as being protective in the matter of interpreting the meaning of the clause, especially when that view was backed up by the statement of the Lord Chancellor of England himself. If any man contended, as a matter of argument, that that clause would have to be worked in this country against the working men of England and their unions as an open intimidation clause, let him produce his cases. He denied that it had ever been so used, and he challenged the Attorney General or the Home Secretary to produce any case in which it had been so used, or to show that wherever it had been brought into action—if it ever had been brought into action—the Charge of the Recorder of London was not only appealed to, but allowed to be a protective definition in favour of any man who might be prosecuted. As he had already stated, if the men who were then advocating the rights of the working men of England had a right to insist, as they did insist, and to press hard for a stricter definition than was given by the Government in the clause, how much more had the Irish Representatives a right to ask for a stricter definition in this clause when they were dealing with a Bill not of restraint, but of oppression? Because the Bill was not brought in to encourage, but to put down combination—not to encourage the methods the farmer, or the agricultural labourer, or the mechanic, all the world over, were obliged to resort to in order to defend their rights against capitalists or landlords, but to put them down. He contended that the Bill was introduced not in order to enable the Government to take off the shackles from the Irish working man in the shape of the small farmer, and enable him to combine and maintain methods of combination, but to make it impossible for them to combine; and, that being the object and intention of the Bill, if the Committee consented to pass it without a single statement of any definition whatever—for the only statement they had had was a repeated declaration that Her Majesty's Government utterly refused to define it—this sub-section would simply enable the magistrates, in applying the Act, to stop at nothing. The Irish Representatives had, therefore, a tenfold greater right than Lord Sherbrooke, the right hon. and learned Gentleman the Home Secretary, or the right hon. Member for Bradford (Mr. W. E. Forster) ever had to insist on limitations being placed to the term "intimidation," and they had a tenfold greater right to insist on the limitation of this section. He did not see that the Government, in the course of the discussion upon the Bill, had yielded by a single inch to any of the representations which had been made by the Irish Members. The case stood now exactly as it stood when they first objected to this clause—that the magistrates, who were notoriously partizans, and completely under the Ministerial influence of the Treasury Bench, would have it in their power—to use the words of the right hon. Member for Bradford (Mr. W. E. Forster)—to send to gaol for six months with hard labour "anybody who looked crookedly at the child or wife of any man in Ireland." Those were not his words, but those of the right hon. Gentleman, and they were applied to a clause much milder than that which the Irish Members objected to. But times had now materially changed with the right hon. Gentleman, and he (Mr. Dillon) saw no course open to the Irish Members but to continue to the best of their ability to endeavour to amend the clause by every means in their power. He trusted that the Government would come forward and accept the fair and reasonable offer made to them to give an undertaking that the interpretation of the Intimidation Clause in Ireland should be ruled by the Charge of the Recorder of London, in the same manner as the clause in the Act of 1875 was interpreted.

SIR WILLIAM HARCOURT said, he had no reason whatever to object to the desire of the hon. Member to amend this clause in any way he thought desirable; but he would ask the Committee to consider the position of the Amendment. The Amendment before the Committee proposed to omit the words "In this Act the expression 'intimidation' includes," &c. Now, that was an objection to a definition of intimidation. His hon. and learned Friend the Member for the Tower Hamlets (Mr. Bryce), with all his great ingenuity, which all of them recognized, tried his hand at an amendment of the definition of the Government, and was obliged to admit that he failed to make one, and, therefore, his hon. and learned Friend proposed to omit all definition whatever. The hon. Member for the City of Cork (Mr. Parnell) said that was what he desired to do; and hon. Members on the Benches opposite below the Gangway seemed to agree last night with the hon. and learned Member for the Tower Hamlets that it was desirable to leave out all definition of "intimidation." That was virtually the proposition now before the Committee. But he (Sir William Harcourt) had said on Wednesday—"Is what you wish to have intimidation left without a definition?" And, with one accord, they said, "No." Last night they all said "Yes." When the hon. and learned Member for the Tower Hamlets proposed to leave out all definition ——

Mr. DILLON said, the right hon. and learned Gentleman was misrepresenting what was said. The hon. and learned Member for the Tower Hamlets only said that he wished to leave out the definition of the Government, but not that he would not substitute another definition for it.

Sir WILLIAM HARCOURT remarked, that even assuming that was the object, these words must be left in the clause, and, therefore, it was necessary that the Committee should negative the Amendment. If the hon. and learned Member for the Tower Hamlets did not wish to leave out all definition, it would be necessary for the Committee to go on in regular order. If the hon. and learned Member or the hon. Member for Tipperary (Mr. Dillon) desired to have a definition of intimidation, they must have these words in the clause—"In this Act the expression 'intimidation.'" If the hon. and learned Member for the Tower Hamlets desired no definition, he was right in proposing to omit these words; but the hon. Member for Tipperary could not be right, because he said he wanted a definition. If the hon. Member for Tipperary and his Friends wanted some different definition from that of the Government, let them bring it forward, and the Government would consider it. If not, they would take their own. What he complained of was, that upon the Amendment Paper there was a singular absence of definition. The hon. Member for Tipperary said a great deal about desiring a definition; but he (Sir William Harcourt) did not find any definition except one by the hon. Member for Roscommon (Dr. Commins). Then, in the name of common sense, do not let them, in the interests of definition, strike out the words that were necessary to enable them to introduce a definition. That was not a reasonable proposition, and he would not be seduced by the hon. Member for Tipperary into going into any collateral issue as to the discussion which took place in 1875. For his own part, he was perfectly satisfied to be judged by what he did then, and he knew very well that the result of the Act of 1875 was to leave intimidation without a definition; whereas, by the Act of 1871, it had a definition. The Act of 1875 amended the Act of 1871 by leaving out the words of definition which it contained. The Lord Chancellor said, with reference to the Act in 1875—

> "This is not an interpretation of the law of intimidation, and we may be quite sure that the interpretation will be given."

Well, that, he said, would be the case in the present instance.

Mr. SYNAN said, Irish Members were charged by the right hon. and learned Gentleman with wanting to exclude all definition; but the fact was, that the hon. and learned Member for the Tower Hamlets (Mr. Bryce) and Irish Members on those Benches resisted the definition because they wanted the Government to insert in the Bill a limit to the word "intimidation." The definition of the Government widened the meaning of the word, and brought under it things which, according to the law of intimidation, were not intimidation at all. If the Government intended the word to have the ordinary meaning, they would accept their definition; or if they gave the ordinary legal meaning of the word, they would not resist them. If the Government were sincere in their expressions, they would confine themselves to the legal meaning of the word. He understood the Government that the acts done should be done with the intent of producing injury to person or loss of business. They had not got the word "intent" in the clause, and if they admitted the first line of the definition, how could they depend that the Government would put upon the Table a definition which should be the legal meaning of the word "intimidation?" Would the Government also accept the Amendment of the hon. Member for Wexford (Mr. Healy), and say that the clause should not apply to exclusive dealing? It appeared, that while Irish Members were anxious to secure themselves by limiting the definition, the Government were intent upon widening it. The hon. and learned Member for the Tower Hamlets was clear in his opinion that the Government aimed at exclusive dealing under this definition, and it was that which the Amendment of the hon. Member for Wexford was intended to meet. He said Irish Members were fairly entitled to some further information and assurance from the Government; and unless they satisfied them that the acts done meant acts done with the intention of producing fear or injury to the individual, it was clearly the duty of Irish Members to resist the definition until that assurance was given.

COLONEL COLTHURST said, he thought the question the Committee had to consider was whether "Boycotting," or, as the hon. Member opposite termed it, "exclusive dealing," was to be efficiently dealt with or not. The first consideration which governed this was as to whether the ordinary law had or had not been found efficacious in dealing with it. The answer was, that it had not. For the last two years "Boycotting" had spread over a great extent of the country. Besides the ordinary law, there was the unwritten law of the Land League; and he maintained that that law, as expounded by the hon. Member for the City of Cork (Mr. Parnell), had been utterly unable to deal with "Boycotting." The hon. Member for the City of Cork, speaking at Ennis, said, last year, that "Boycotting" ought to be confined to cases in which men took farms from which others had been evicted; and he would not do the hon. Member the injustice of saying that he then made a mental reservation. On the contrary, he believed that his views remained the same now as they were 12 months ago on the subject of "Boycotting." It was clear, then, that this unwritten law had been inefficacious in the matter of "Boycotting" also; for schoolmasters had been subject to this persecution for expressing an unfavourable opinion, and persons also for having, as it was said, spoken disrespectfully of the Land League—in short, men in Ireland had been "Boycotted" for every assignable reason; for reasons which the hon. Member for the City of Cork and the hon. Member for Tipperary (Mr. Dillon), who went further than he did, condemned. The hon. Member for the City of Cork, with all his influence and power in Ireland, had been utterly unable to repress this practice. Both the ordinary law and this unwritten law having failed, the Government were compelled to come forward and ask for this legislation. Now, he submitted that, if this clause were passed, it would deal effectually with "Boycotting;" but there remained the consideration whether it would interfere gratuitously or unnecessarily with the liberty of any considerable portion of Her Majesty's subjects. He contended that it would not; and, in concluding his remarks, he could not better illustrate the position of things than by referring to a conversation which took place between a gentleman and his neighbour some weeks ago. "Is not this a terrible Coercion Act we are groaning under?" said the latter. "Yes, it is," said the other; "but have we not been groaning under a more terrible one all our lives—the Ten Commandments?" "I do not think anyone who keeps the Ten Commandments need fear the Coercion Act." "I do not think they need," was the reply. He believed the people of Ireland wanted to keep the Ten Commandments, if only the hon. Member for the City of Cork would allow them to do so. As the clause would not interfere with anyone who did keep them, he, for one, was not afraid to vote for it.

MR. T. P. O'CONNOR said, that, notwithstanding his acquaintance with the Ten Commandments, the hon. and gallant Member opposite had not scrupled to break the one which forbade him to bear false witness against his neighbour, in saying that the majority of his constituents were in favour of this Bill.

Colonel COLTHURST: What I said was, that the clause would interfere with no one who wished to keep the Ten Commandments.

Mr. T. P. O'CONNOR said, if the hon. and gallant Gentleman asserted that the majority of his constituents did not keep the Ten Commandments, he was not keeping them himself. His objection to the action of the Government was, that while they and their supporters admitted that the clause went beyond the necessities of the case and required some limitation, they did not produce a limitation. Now, the Irish Members did not want to be cheated or hoodwinked in this matter. They said if the Government agreed that the clause required a larger limitation than it had at present, they were bound to produce their limitation; and when they had settled that, Irish Members were prepared to allow them to proceed as rapidly as they wished with the clause.

Mr. BIGGAR said, they had heard from the hon. and gallant Member opposite (Colonel Colthurst) a dissertation on exclusive dealing.

Colonel COLTHURST said, he had referred only to "Boycotting."

Mr. BIGGAR said, he had, no doubt, misunderstood the hon. and gallant Gentleman; but he seemed, nevertheless, unable to give a definition of "Boycotting." For his own part, he was very much indisposed towards this practice, which had been put in operation against himself. He would not trouble the Committee by going into details of what had happened in his own case; but it was well known that these things existed, and would continue to exist. The Government should state frankly if it was their intention to make a law against persons who walked past a shop to deal at another, where they could get as good value as they could at the first shop. A man who did that was undoubtedly exercising a certain amount of pressure, and his action amounted to exclusive dealing with certain parties; and if the doctrine of exclusive dealing were carried to its full extent, no one would be safe from the charge that he was injuring his neighbours with regard to their material prospects in life. They had got at something like a definition of what he would call "Boycotting"—a word that might mean anything or nothing. In that definition "Boycotting" meant exclusive dealing; and he would now ask the Government in what way this Act would be made to apply to a system which was practised in all trades, and in the Medical, Legal, and other Professions? The system was in operation in a variety of forms; to legislate against it was to make a law which interfered with the arrangements of society, and no such law could be passed. It would be legitimate enough to enact that a man should not say to another—"If you do this or that you will suffer a penalty for doing it." But he held that unless some actual threat were held out, there should be no punishment of any kind. They knew that under the existing law there had been some extreme cases of punishment for alleged intimidation. There was the case of the persons who were sent to prison by the magistrates simply for asking subscriptions for the Political Prisoners' Fund, and it formed an excellent illustration of what would happen if this clause were allowed to pass without a proper definition. Irish Members, therefore, asked the Government for a *bonâ fide* definition; without which they were better with none at all. It seemed to him that the definition they had before them could be applied in such a way as to give the maximum amount of annoyance with the minimum amount of advantage. Another illustration of the way it would be applied was the case of the lady who was sent to prison because she shook her head at the police. He held that the charge of intimidation should be substantiated; and unless that were done, by proving an actual threat or something that amounted thereto, the Bill, without resulting in any real good, would become a further source of trouble and riot. Moreover, he maintained that if the practice were pursued of making offences of the most trivial nature liable to very severe punishment, offences of a far more serious kind would be multiplied.

Mr. CHARLES RUSSELL said, he was as much opposed as anyone in that House to needless and protracted discussion. He was, however, obliged to occupy the attention of the Committee for a few moments. It seemed to him that Her Majesty's Government had made no effort to help the Committee out of the difficulty in which it was placed, and he wished to state why he thought that observation was justified. As the clause stood, it was literally correct to say that any act done or word spoken which two Resident Magistrates chose to think amounted to intimidation, constituted an offence for which the accused person might be sent to prison for six months. That, he said, was a power so wide and undefined as he would not be a party to committing to the highest Judges in the land, and it was, therefore, a power which, in his opinion, ought not to be given, if it could be avoided, to a tribunal presided over by Resident Magistrates. He had frequently said, with regard to this body, that with reference to many of them no complaint ought to be made; and he had always deprecated attacks upon them in that House, because they were placed in circumstances of great difficulty, and it was impossible for the House to judge in particular cases of the facts which the Resident Magistrates had before them. It was, nevertheless, the fact that this body did not possess, speaking generally, the confidence of the people in Ireland; and, therefore, he considered Her Majesty's Government were bound to say "Aye" or "No" to the question as to whether or not they proposed to introduce any limitation into this clause. If they intended to stand by the words of this definition, which he was prepared to show was no definition at all, then he thought the Committee should go to a division at once. But if it was proposed to introduce some definition which would render more certain that which was now left uncertain and at large, he said it was not the duty of private Members to introduce that definition. It was the duty of the Government to do this, who were bound to put before the Committee the form of the limitation, qualification, or definition, or whatever else it might be called, which they desired to have expressed in their Bill. Now, although he should not be in Order in discussing later Amendments, he hoped he should be allowed to say that the hon. and learned Member for Christchurch (Mr. Horace Davey) had put down an Amendment to this clause, and that the hon. and learned Member for Lincoln (Mr. Hinde Palmer) had proposed words for the purpose of qualifying that Amendment. That being so, he asked the right hon. and learned Gentleman the Home Secretary to read the Amendment of the hon. and learned Member for Christchurch, qualified as it was proposed to be, and say whether he would accept it. That Amendment, in its qualified form, would exclude from the Bill that which he ventured to say ought never to have been brought within it. Again, there was an especial reason why it appeared to him desirable that Her Majesty's Government should speak out at once. He, for one, said that there was some inconsistency, as had been pointed out by his right hon. and learned Friend, in at one time opposing a definition, and at another time insisting that there should be a definition. But the reason for that apparent inconsistency was that, if the definition was to be left as it now was, it would be better to have no definition at all. He (Mr. Russell) certainly preferred to have a definition which should clearly, accurately, and distinctly express what was to be brought within the purview of the clause and what was not; and, therefore, he respectfully urged upon the right hon. and learned Gentleman to tell the Committee in plain and unmistakable language, either that the Government did or did not insist upon the whole clause as it stood, and, if not, to state what were the limitations or alterations which they proposed. Because let the Committee remember that with regard to the clause now under discussion, which the Amendment of the hon. and learned Member for the Tower Hamlets (Mr. Bryce) proposed to omit, was not a definition in any sense at all. It was that the expression "intimidation," used in the clause, included any word spoken, or act done, calculated to put any person in fear of any injury to or loss of his property, business, or means of living. The term, therefore, remained uncertain and at large, and it would still be left to the magistrates to apply the word "intimidation" to any word spoken, or act done, as they might choose to think right. For these reasons, he said the Government ought distinctly to state their intentions as to the limitation, or otherwise, of the clause.

SIR WILLIAM HARCOURT said, the Government could not be supposed to have decided upon the introduction of a clause of this character without very careful and anxious consideration; and the clause now under the consideration of the Committee was expressed in the form which, in the opinion of the Government, offered the best means of dealing with this matter. That being so, it was not for them to alter a clause which was the result of continued deliberation. His hon. and learned Friend the Member for Dundalk (Mr. Charles Russell) had said it was not the business of private Members to amend the clause. But, then, whose business was it? The Government brought forward a clause, as they considered, in the best possible form; and, he said, it was for those who differed from it to propose Amendments to it which they considered necessary. His hon. and learned Friend—himself an ingenious lawyer—had tried his hand upon the clause by bringing forward an Amendment, which he afterwards admitted would not do. That circumstance seemed to be rather in favour of the Government proposal. The hon. and learned Member for the Tower Hamlets (Mr. Bryce) then tried his hand at amending it, and he could not satisfy himself. Finally, the hon. Member for the City of Cork (Mr. Parnell) put down an Amendment, and the Committee had not accepted it. Up to the present time, therefore, he thought the Government clause had stood fire very well. His hon. and learned Friend, having brought forward an Amendment which did not satisfy his own mind, said that the last paragraph in the clause was no definition of the word "intimidation." That was perfectly true, and the Government had always said so. Moreover, they had said from the beginning that they did not intend to define "intimidation;" and, after four days' debate, he had only to repeat the statement. He was now asked to make a frank statement, and he said, in reply, that, in his opinion, it was impossible to define intimidation. That was the view taken in the Act of 1875; it was the view the Government had already stated, and to that they still adhered. His hon. and learned Friend said the last paragraph was not a definition—it included things which it ought not to include. But the Government thought otherwise; and if hon. Members were of a different opinion, let them discuss that question at the time when it properly came forward. His hon. and learned Friend had alluded to several alterations which had been proposed to the clause, and had asked him to say what he intended with regard to them. By all means let them be taken in order; but he submitted it was an unreasonable thing to ask him to mix them all up together, and to state what he thought of them collectively and individually, and what it was proposed to do with them by Her Majesty's Government. Her Majesty's Government proposed to submit the section as it stood to the consideration of the Committee, and, in turn, to consider the Amendments which hon. Members had put upon the Paper with a view to altering the clause. That seemed to him to be the reasonable and Parliamentary course to pursue. But he repeated that, from the point of view of his hon. and learned Friend, and from that of every hon. Member, the expression "intimidation" ought to be retained in the clause; and even if it were possible to define it, it must still stand part of the clause. The only issue before the Committee was that raised by the Amendment of the hon. and learned Member for the Tower Hamlets (Mr. Bryce), that the clause should contain no definition at all. That was the question to be decided; and he was sure his hon. and learned Friend the author of the Amendment would admit that this was the sole issue before the Committee. By proposing to leave out the paragraph, his hon. and learned Friend the Member for the Tower Hamlets said, in effect, "Let us leave the word 'intimidation' as it stands, without definition." But the Government, while they did not think there should be definition, thought that there should be explanation; and, with this issue before them, he appealed to the Committee to allow them to go to a division.

Mr. EDWARD SHEIL said, it appeared to him, from the observations they had just listened to on the subject of the clause before the Committee, that the author of it could be no less distinguished a person than the right hon. and learned Gentleman the Home Secretary himself. He hoped the Committee would not accuse the Irish Party, who offered opposition to this clause, of attempting to defend intimidation. What they protested against was that the interpretation of the clause should be left to the discretion of the Resident Magistrates, who, by their action, had already shown how little they were to be intrusted with such enormous powers, and the unkind treatment which people might expect at their hands. The hon. and learned Member for Dundalk (Mr. Charles Russell) had just told the Committee that he would not trust the powers of the clause to the highest Judges of the land. That being so, let the Committee bear in mind that the proposed tribunal of Resident Magistrates was deeply distrusted by the people of Ireland, and consider how far they were likely to have their respect and confidence in future. They were not even now to be trusted with the powers which they possessed; still less were they to be trusted with those powers which even the right hon. and learned Gentleman the Home Secretary himself did not attempt to defend. Therefore, he hoped, even at that time, it was not too late—especially after the wise words uttered by the hon. and learned Member for Dundalk—for the Government to re-consider their decision with reference to the clause. The Committee should bear in mind that the Resident Magistrates, who were to constitute the proposed tribunal, were closely linked with the landlords; and, although he said nothing at all against that class, there could be no doubt that, at the present moment, they were suffering under feelings of great dissatisfaction. That being so, it was not difficult to imagine what would be the consequence of placing this undefined power in the hands of men connected with a class labouring under a sense of what they believed to be wrong. It was only to be expected from such a tribunal that the powers of the Bill would be made use of in an unjust manner. He deeply regretted the position taken up by the right hon. and learned Gentleman the Home Secretary with regard to the clause, and could only say that as long as the Government refused the reasonable concessions asked of them, the opposition of his hon. Friends to the clause would continue.

Mr. CALLAN said, that unless some limitation of the clause was introduced, it was difficult to see what act done in Ireland might not be made to come within the operation of the Bill. The hon. and gallant Member for Cork County (Colonel Colthurst) seemed, on the subject of intimidation, to have what was vulgarly called a "flea in the ear." The Clause said that intimidation

> "Included any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

Now, it might be said that words uttered with regard to a Parliamentary Election which intimated to a candidate that he would be put to the expense of contesting his seat, came within the clause. Irish Members intended to put a great many Radical Members to intimidation, in the shape of the expense of a good contest at the next General Election; and he asked whether they were to be prevented putting Irish Radical Members to loss and damage in this sense on the decision of the Resident Magistrates that it was an act of intimidation? He himself might go down to the county of Cork and use words to the electors which would have the effect of putting the hon. and gallant Member opposite to the heavy expense connected with a County Election; he might have to go before the magistrates, and it might be sworn that he had done an act calculated to put a person in fear of injury to or loss of his property. The act might be held to be intimidation, and he would be liable under the Bill, unless the Home Secretary agreed to put some limitation on the paragraph. If the right hon. and learned Gentleman placed some limitation on the paragraph, his present objection would be removed; but, if not, under the circumstances he had described, he could only look forward to spending six months in the county gaol when the next election took place. The clause, as he had pointed out, referred not only to injury to the person, but to the fear of injury or loss of property; and he asked what would be a greater loss to a man than to put him to the expense of contesting his election for a large county? Very few Members, under such circumstances, would spend less than £3,000; and he ventured to say that no one was in a better position to confirm the accuracy of this statement than the right hon. and learned Gentleman the Attorney General after his experience at Taunton. He objected very strongly to the clause in its present form, and would remind the right hon. and learned Gentleman the Home Secretary that, unless he agreed to place some limitation upon it, he would be adding to the length of the present discussion.

Mr. JOSEPH COWEN said, the most forcible objection which had been raised to the clause was that it would be used as a means of preventing legitimate agitation. Of course, Her Majesty's Government said they did not mean that. He did not think that was their intention; but hon. Members opposite contended that this would be the effect of the clause unless it was amended. That being so, he suggested that it might be possible to add to the clause words to the effect that nothing in the Act contained should be held to subject any person to punishment for anything said or done honestly in the protection of his own interests or in fair political agitation.

Mr. METGE said, the Government had refused, from the commencement of the discussion upon this clause, to give the Committee any definition of the word "intimidation." But the right hon. and learned Gentleman the Home Secretary had, in the course of yesterday's discussion, stated that the object of the clause was to put down "Boycotting," and that he intended to judge and criticize every Amendment proposed to the clause by that test. But if the intention of the right hon. and learned Gentleman was not to define the word "intimidation," and if his wish was that this clause should not interfere with the powers of the Executive Government in Ireland to put down "intimidation," why, he asked, did he not agree with the suggestions which had been made by Irish Members on that side of the House and upon the opposite Benches below the Gangway? He did not think that either the Committee or the right hon. and learned Gentleman believed that "intimidation" would cover all the forms of "Boycotting" which would present themselves to the minds of the Resident Magistrates in Ireland; and in the case of those men who would have to carry out the provisions of the measure when it became law, there would not be a moment's hesitation as to the way in which the word "intimidation" would be interpreted. The right hon. and learned Gentleman, he believed, in his definition of "Boycotting," took a wider view of the matter than was usual with other occupants of the Government Benches. But he (Mr. Metge) thought that the opinion of the Committee was not in favour of putting down "Boycotting" in a general sense, although all were agreed that some forms of it should be put down. But the clause which the Home Secretary said now was not an attempt at definition, was certainly an attempt at description, and of a very vague character. The first word of the clause pre-supposed a large area of other crimes which the Government had included in the term "intimidation." Now, his idea of a definition of this kind was that it should be purely explanatory, or that it should be a definition of a general term by a less general term—certainly not the reverse of that method of procedure. The position, then, in which they were left with regard to the clause was most unsatisfactory, so far as the word "intimidation" was concerned. But, apart from that, there were other words in the clause which were the cause of uncertainty on account of their vagueness. There was the word "calculated," for instance, which, to his mind, was even more dangerous than "intimidation;" indeed, to his mind, it was the most dangerous word in the clause, inasmuch as it was not to be taken in the ordinary sense, but in the sense as calculated in the mind of the magistrate, or rather in the particular frame of mind in which he might happen to be at the moment. Here, then, was a word which itself condemned that part of the clause in which it was placed; and, besides this, there were other words in the clause of an equally vague character, all of which required to be defined quite as much as the word "intimidation." He believed that if the clause remained in its present form, the very widest acceptation of these terms would be taken by those who would have to carry out the Act. But the right hon. and learned Gentleman the Home Secretary had stated in another argument which he advanced in support of the clause, that the meaning of "intimidation" was perfectly clear to the professional mind, but that the desire of the Government was to instruct the people of Ireland as to what was criminal under the law. This view seemed to him rather different to that which the right hon. and learned Gentleman had just stated. But, whatever might be the real object of the Government in this matter, it was not so much the wish of Members near him that the Irish people should be so instructed, as that some limit should be placed to the freedom which the Resident Magistrates were sure to take in construing the Act.

Mr. T. D. SULLIVAN said, it appeared to him that the clause, inasmuch as it would interfere with the ordinary ways of social life in Ireland, would become an absolute impossibility. He asked the Committee to consider what the clause really meant, and to look for a moment at its wording. In this Act the expression "intimidation" included any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living. That being so, let it be supposed that a shopkeeper was doing a thriving business in a particular street, and that another man chose to set up another shop of the kind in the same street. That act might ruin the business or the property of the shopkeeper first alluded to, and reduce the man to a condition of absolute pauperism. Well, it seemed to him that, as the clause stood, that perfectly innocent act of competition in business was rendered an offence against the Act. Take the case of a newspaper. He was personally interested in this matter, because he was himself a newspaper proprietor; and he asked the right hon. and learned Gentleman the Home Secretary whether he would be at liberty to prosecute any person who set up a rival paper in the same city where his own newspaper was published? It seemed to him that he certainly had power, under this clause of the Bill, to prosecute and he should consider, if the event happened to which he had referred, whether or not he should use it. He would not detain the Committee by describing other cases to which the clause would be made to apply; but he repeated that it was an impossible clause, inasmuch as it covered a multitude and variety of things which could not reasonably come within the scope of a legislative measure. The application of the clause, moreover, depended on the discretion of a class of magistrates by whose judgment the people in Ireland were unwilling to abide. He contended there was no security or liberty for anyone under the measure, especially under this section of it, which was all-pervading and far-reaching; and Irish Members were, therefore, bound to limit its application if they possibly could, and to extort from the Government some definition which would restrict the injury and harm which was likely to arise under the clause. He heard the right hon. and learned Gentleman the Home Secretary say on a former occasion that certain matters must be judged, not in respect of their probability, but in respect of their possibility. Acting on that advice, then, he judged that under this Bill any amount of confusion and disturbance was possible. If hon. Members could not amend the measure, they were, at least, bound to protest against it, and that they would continue to do to the last.

Mr. BARRY said, he desired to make a suggestion similar to that which had been put forward by the hon. Member for Newcastle (Mr. J. Cowen). It was believed in Ireland that the effect of this clause would be to stifle and prevent any kind of political agitation. Hon. Members were, of course aware, that the Government entirely disclaimed any such intention; and, that being so, he thought it would go a long way to remove public apprehension if the Government would insert some words to the effect that political agitation would not come within the scope of the clause. Without such a declaration, he was afraid Irish Members on those Benches could arrive at no other conclusion than that it was the deliberate intention of the Government to stifle or destroy all legitimate agitation in Ireland.

Question put.

The Committee *divided:*—Ayes 130; Noes 49: Majority 81.—(Div. List, No. 121.)

Dr. COMMINS said, although he had little hope of making an impression on the Committee after the very conflicting declarations which had been delivered from the Treasury Bench with regard to the intentions of the Government in the matter of this clause, and with regard also to the difficulty—nay, impossibility—of defining the word "intimidation," yet he would venture upon a definition which would be better than the so-called definition which was furnished in the Bill. He offered this to the consideration of the Committee, first, because of the utter inadequacy, from a legal point of view, of the definition which the clause contained. Intimidation, they were told, by this so-called description or definition, or whatever other name was to be given to it, included

> "Any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

Now, he said that these words were so wide as to be inadmissible in any Act of Parliament—that they were so wide as to include every or any act of a man's life; that by them "intimidation" was so enlarged as to mean anything beside that which the act or word expressed to the person alleged to be intimidated by it. Whether or not that was the view which the Government took of the clause, it was its effect from the legal point of view. An hon. Member (Mr. Barry) had thrown out to the right hon. and learned Home Secretary a general challenge to say what was meant, and what interpretation was to be given to the words of the clause; but his hon. Friend was no lawyer, or he would have known that no declaration of the kind would have been worth the paper it was printed on. No Judge or magistrate, whether superior or otherwise, having to administer this Act, nor even a policeman, would be bound to pay the slightest regard to the Home Secretary's declaration as to the meaning of the words which the paragraph proposed to explain. It was the Judges, and the Judges alone, who could interpret an Act of Parliament, and the Judges did interpret Acts of Parliament by rules which were as well known as those of arithmetic. It was not for one moment to be supposed that men whose business it was to interpret Acts of Parliament passed during a period of 800 years would not know how to interpret this Act. Why, every legal interpretation, ancient and modern, would be exhausted by them in its administration. Therefore, he said, the clause must be judged by the words out of which it was constructed, and, taking those words, the definition might mean anything. To begin with, it did not answer the purpose of a logical definition at all, which meant what a term included, to the exclusion of everything else, and, so far from doing that, it gave no information whatever as to what it excluded, while it allowed you to include anything you liked. From the point of view, then, of the logician, the definition was utterly bad, and the student who offered the words in the paragraph as a logical definition of intimidation would probably be turned out of his class. The so-called definition was so ungrammatical and illogical as to be utterly worthless. The hon. and learned Member for Cambridgeshire (Mr. Bulwer) and the hon. Member for Hereford (Mr. R. T. Reid) had respectively instanced the crimes of manslaughter and fraud as offences not defined in law. But, if they had been criminal lawyers, they would have known that there was not an indictable offence in England which had been more strictly and logically defined than that of fraud. The hon. Member for Hereford ought to have known that the whole catalogue of offences were most strictly defined which he said the law of England had never defined at all. No doubt, the hon. Member found a proposition laid down in some elementary treatise, that the Courts of Equity never defined fraud, because, if they limited the term, the ingenuity of the fraudulent would seek to go outside the limits laid down. But both the hon. Members in question, as well as the right hon. and learned Gentleman the Home Secretary, who put forward this as undoubted law, forgot that the House of Commons was not now dealing with equitable principles, but with principles of Criminal Law; and so the absurd statement that fraud had never been defined, was used as an argument in favour of the legislation proposed to be created by this Bill. Now, there was no such offence known to the law as "Boycotting," and to say that the word "intimidation" meant that, was only to make the difficulty worse than it was before. It was impossible to get a definition of that term, because no two persons were agreed as to what "Boycotting" was. One person might consider it to be legitimate non-intercourse, and another legitimate exclusive dealing; and if this section of the Act were intended to prevent legitimate acts of that kind, all he would say was, that the Bill constituted an attempt at imposing upon the people of Ireland the grossest tyranny ever exercised in a civilized country. It was an invasion of the rights of humanity which no people would endure, and which would produce a thousand crimes in defence of those rights. He wished to examine whether this description was open to that charge. Intimidation, according to the wording, included

> "Any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

Now, no act was criminal according to law unless the intent was criminal. Here, however, the word was not "intended"—it was "calculated." But the right hon. and learned Gentleman the Home Secretary said there were other words which would carry that meaning to be found in the Bill. If that were so, why were they not employed here? In whose mind was this word "calculated" to operate? Was it in the mind of the magistrate, or the policeman who happened to be getting up the case? Did this mean "calculated" in the mind of a nervous man or woman, or in the mind of some person spying upon another man's acts. Lord Hale, in treating of the intimidation which would reduce what would be otherwise murder to an act of self-defence, said that the fear which the law would take into consideration in judging that offence must be the kind of fear that would fall upon a brave and firm man and not upon a fool. But in this definition they had no restriction as to the kind of fear which the person intimidated was to suffer. He would now examine whether there was any single act which a man committed that might not put some person in fear of loss of property, means of living, or of injury or danger to himself, or some member of his family, and he began with the acts of a man's public life. Suppose a man attended a public meeting. Public meetings in Ireland were aggregations of large numbers of human beings. Mobs were liable to become riotous, and a person who considered that the action of an assembly which he attended was calculated to put him in fear would naturally be inclined to prosecute those who took part in it, and he might appeal to the words of the clause, and the magistrate administering the Act would be strictly and legally bound to convict according to the legal interpretation of the clause. Nothing more would be necessary than that the prosecutor should say—"It was calculated in my mind to cause injury to myself and put me in fear; therefore, I call upon you by the law to give these persons six months' imprisonment." That would be the result of a public meeting. He would now take the case of the private acts of individuals, and inquire, whether any private act would be free from the construction which the apprehensions or fears of an individual might place on the acts of another. A man might go out after nightfall, wishing to call, say, upon a neighbour—now, it was well known that in Ireland persons never met each other without a form of salutation—and supposing this person happened to meet a policeman, or someone who he believed was ready to do him an injury, and passed him by without the customary salute, the person so passed by might say to himself—"This man has passed me without a salute; he means to terrify me, and he did terrify me." A prosecution might be instituted in this case under the legal interpretation of this section, unless the words were defined as he proposed they should be. He would now refer to cases which had occurred in Ireland, and in connection with which there had been some utterly illegal convictions — convictions which under this Bill would be now legalized. And here he would remark that it was a marked feature of the Bill that it made things legal which were formerly illegal, and other things illegal which before were legally done according to right and usage. Take the case of a person setting up a school in opposition to another already existing. A case of the kind occurred in the neighbourhood of Mallow. The Attorney General for Ireland would know this case very well, for it occurred in his own neighbourhood. Of course, the cry was set up that the second school was a school of the Land League; but not only was the person who established it prosecuted for holding a Land League school and exercising the ordinary occupation or profession of a schoolmaster, but he was sent to prison, and when he came back to the place he was driven out by the police. This was one of the most high-handed acts he had heard of for some time, and the right hon. and learned Gentleman the Attorney General for Ireland had been compelled to offer some attempted justification for it. Then there was the case of a gentleman who went to pay a visit to a lady, and whom a policeman, without the decision of any Judge, but with that assumption of authority which was unjustified by any law of the land, ordered to leave the house. These were the kind of things which would be legalized by this Act. Again, fairs were very common in Ireland, and it was well-known that within the last few months, people, instead of going to the fair green at a place in Queen's County, transacted their business on the high road, and in this case, both buyers and sellers were prosecuted. There was probably a question of franchize connected with this, but the buyers and sellers had a right to meet on the public road and make their bargains. Under this section, these people could now be legally convicted. He would take another case of what had occurred within the last 12 months, and which, unless this clause were modified, might happen again. Again, they had heard a great deal of the cruelty of "Boycotting" a blacksmith's forge, and the loss of business consequent upon it. They knew that the amount of business for blacksmiths in Ireland was very small, and that, as a rule, an Irish village would only support one business of the kind; they knew that some blacksmiths had made themselves unpopular, and that other blacksmiths looking for business had gone to some villages and set up other forges there. These men were regarded as quite illegal blacksmiths, and under this Act could be prosecuted and sent to gaol, because they interfered with the business of other persons. The same with coopers; and, on similar grounds, they would be liable under this Act. He did not wish to detain the Committee with an enumeration of the instances to which he might refer; but he would say that there was scarcely an act of any kind, public or private, that any person in Ireland could do, but might under this Bill, if it were passed into law, be held by some magistrate to be to the injury or damage of a man's property, business, or means of living, or as tending to put him in fear of such injury or damage. But it was said that they were better off under the provisions of this Bill than the English people were under the Conspiracy Act of 1875, because the Conspiracy Act of 1875 did not define intimidation. But this argument, as used by the right hon. and learned Gentleman the Home Secretary, did not hold water at all; because, to begin with, the clause or sub-section they were now discussing did not give a definition of what was to be construed as intimidation. All it did was to add other things to intimidation, instead of defining what intimidation was. The provision appealed to by the right hon. and learned Gentleman had been appealed to over and over again by the hon. Member for Tipperary (Mr. Dillon) as giving a definition of intimidation, and there could be no harm in him (Dr. Commins) referring to it again. He wished to call the attention of the right hon. and learned Gentleman the Home Secretary to the point, because, although in the Act of 1875, in which they were getting rid of what was in the previous Acts—while in the present case they did not attempt to finish what that Act intended to do—the clause relating to this subject was so constructed as to restrict the meaning of the word "intimidation," and the cases which were to be considered as intimidation were kept within very narrow and easy limits, so as to afford a tolerable definition of an illegal act. The 7th section of the Act of 1875 was described in the side note as a section imposing a penalty for the offence of intimidation, or annoyance by violence, or otherwise. The section set forth that—

> "Whosoever, with a view to compel any other person to abstain from doing an act which he has a right to do, or to do an act which he has a right to abstain from doing, without legal authority, uses violence to intimidate such other person, or his wife or child, or injures his property, shall be guilty of the offence of intimidation"

created by the Act. This clause defined the offence of indimidation, and the definition was a very good one as far as it went. It showed, in the first place, that the person intimidating must direct his violence towards some individual, because it defined a certain "other person, or his wife or child," and spoke of injury to the property of "such other person." Here, therefore, the words of the section set forth clearly that there could be no intimidation unless there was, first of all, a person to be brought forward who could be shown to have been intimidated, or intended to have been intimidated. The person accused of the offence of intimidation under that section must be shown to have intimidated some other person, or his wife or family, by using violence, or by injuring the property of that other person. The main point here was that there must of necessity be a person to be intimidated, and it must be shown that the accused intended to intimidate him or to injure his property. But how stood the case with regard to the section at that moment under the consideration of the Committee? That section was so rudely constructed that the person to be intimidated need have no existence at all; while in the Act of 1875 he must not only exist, but he must be set forth in the proceedings as the person it was intended to intimidate, or whose property was to have been injured, and this person must be brought into Court. It must be shown that the person so appearing in Court, or his wife or family, were intimidated, or intended to be intimidated, and the act of intimidation must be proved. But, under the present section, there need not be any specified person against whom intimidation was intended to be exercised. He might be anybody or nobody, and it need not be proved that the act done or the word spoken really had intimidated anyone, or that there was anyone who could be intimidated. They all knew that under the ordinary law it was a legal necessity that unless they had the person whose pocket was picked, or attempted to be picked, they could not prove the offence of picking or attempting to pick a pocket; but here they had a statutory provision, under which it was to be enacted that a man might intimidate a non-existing person, and by which he might be convicted of the crime of intimidation where no person was intimidated, or nobody existed who could be intimidated at all, or where no one need come forward to say he had been intimidated. This was very different from what had been done by the Act of 1875, which, as he had shown by reference to the Statute itself, had made it absolutely necessary, in order to constitute the offence it created, that there must be a person who had been intimidated, and not a vague and indefinite person who might have existed, or whom it might have been intended to intimidate, or whose property it might have been intended to injure, or whose wife or child it might have been intended to intimidate, and upon whom the act alleged must have taken effect. That which he had quoted from the Conspiracy Act of 1875 was, he wished the Committee to perceive, consistent with the whole force and bent of the English law as it was ordinarily understood and applied. According to the English law, as it had hitherto been construed, there must be a person to be convicted of the offence charged. It was one of those old maxims of the law of England which had been instituted by the wisdom of the past, and which had been steadfastly maintained for the purpose of protecting people from having false charges brought against them, that before any person had been convicted of an offence it was necessary that proof should be given of a *corpus delicti.* He saw one of the greatest lawyers in England on the Bench opposite to him, and he challenged the right hon. and learned Gentleman to bring forward a single instance in the whole Criminal Law of the country of an offence having been proved against any individual without there being satisfactory proof of a *corpus delicti.* He challenged not only the right hon. and learned Gentleman, but any other learned Member of that House to bring forward a single case in which this proof had not been necessary; and yet, in defiance of this well-understood legal maxim, it was now proposed to create, in an Act to be applied to Ireland, a new doctrine entirely subversive of the existing state of things. He did not think he need go any further to show how utterly dangerous was the description of intimidation sought to be introduced into this Bill, nor need he go further to show that the clause would be better, that the administration of justice would be rendered more safe, by striking out the words to which he objected, and leaving it to *Johnson's Dictionary* and to the common sense of the magistrates who would have to administer the law, to say what intimidation was, so that the people might know what they would have to avoid, and would be able to keep clear of the risk of conviction with regard to what they might do or abstain from doing. It would, he repeated, have been a great deal better to have left it thus. In the Criminal Law there ought to be no crime and no offence—and, practically, there was none at the present time known to the law—of which there was not some definition, so that persons might know what it was they had to avoid. It was a universal principle underlying all their Criminal Jurisprudence that it was utterly unjust, and, therefore, inexpedient, unwise and impolitic, as well as cruelly mischievous, that any person should be liable to be accused and convicted of an offence which he could not himself commit, and as to which there were no means of knowing whether it was an offence or not, and with regard to which the conviction was only to be obtained by *ex post facto* legislation to be administered by any "Justice Shallow" who might happen to be in a position of authority. For this reason, he urged that it would be much better if the Government or the Committee were willing to strike the objectionable paragraph out altogether, and trust, as he had already said, to common sense and *Johnson's Dictionary* for an interpretation or definition of the offence against which it was sought by this Bill to provide; at the same time, acting on the uniform, universal, well-established, and scientific principle of legislation he had endeavoured, it might be very presumptuously, to expound. Why, he asked, did not the Government adopt this course instead of adhering to their proposal, and attempting to do what the right hon. and learned Gentleman the Home Secretary had admitted that they were unable to do; what he had also said the hon. and learned Member for Dundalk (Mr. Charles Russell) had tried, and was equally unable to do; what the hon. and learned Member for Christchurch (Mr. Horace Davey) and the hon. and learned Member for the Tower Hamlets (Mr. Bryce) were unable to do; and, lastly, what the hon. Member for Newcastle (Mr. Cowen) was also unable to do, for the hon. Gentleman had made a suggestion, in reference to which the right hon. and learned Gentleman the Home Secretary had said he could not make a definition of the offence of intimidation? It might be exceedingly presumptuous on his (Dr. Commins') part to deal with such a question; but he had, at all events, made an attempt, and unless the Government were enabled to make a better one, he would submit his proposition to the Committee, in the hope that it might be deemed worthy of acceptance; and he did so on the ground that, however imperfect it might be in other respects, it would have the effect of narrowing the question, and of giving the Irish people to understand what it was they were to avoid, while it would also give the Justices clearly enough to understand what it was they would have to convict an accused person of having done. To begin with, there was one thing in his Amendment which, in his opinion, ought to recommend itself to the Committee on the very common principle that ought to be observed in legislating for Ireland, and, it was this, that it enunciated a cast-off principle of English legislation, which, like old clothes, in some cases, seemed to be good enough for Ireland; for the Irish people were glad enough to take occasionally these cast-off principles. In the Criminal Law Amendment Act, which the right hon. and learned Gentleman the Home Secretary had reminded them of, there was a definition of criminal intimidation. That definition was of such a character that it aroused the whole of the trades unions of England to something like frenzy, and the consequence was that they agitated the whole country against it. They held public meetings at which they denounced it, they presented Petitions against it, and they made it a leading topic on the platform of the Trades Unions' agitation from the year 1871 to the year 1874. So effectual was that agitation, that in the course of those four years they compelled the Government to withdraw that definition, and to re-cast the Act of 1871, of which the Committee had heard so much. And why had the Government done this? It was because they considered that it was too wide for application in England; it left too much to the discretion of the magistrates; it interfered too much with the freedom of trade in England; it afforded too much power to interfere with trade combinations in England. And when he offered it now, humbly saying it was a cast-off principle of English law, for the acceptance of the Committee, he urged that it ought, at least, to carry with it the recommendation that it was, as he feared, only the cast-off English principles that the Irish ever got. In the Criminal Law Amendment Act criminal intimidation was defined as such intimidation as would justify its being dealt with as an offence under the law—as any threatening, or attempt to intimidate, as would enable a Justice of the Peace, on a complaint being made to him, to bind over the person guilty of such threat or act of intimidation in securities to keep the peace. That was the provision contained in the Criminal Law Amendment Act of 1871, and it was found that it was too wide for England—that Englishmen would not have it—that they felt it to be an intrusion on their liberties, and would, if insisted upon, tend to provoke the working classes to civil war. He thought, therefore, that the Irish people were not asking too much when they said they would be glad to have applied to them a law which the English working class would not bear even for so short a period as three years. They would be glad to get the law, even in that form. But he would say more than this, because he had drawn his Amendment in such a way as to include every act of intimidation that he had heard complained of in that House, and that might properly be said to be a criminal act. They had heard many eloquent descriptions of "Boycotting" in the course of these debates, and a variety of methods by which "Boycotting" was practised had been brought under the attention of the Committee. Indeed, many things that were said to be included in the resort to "Boycotting" were perfectly legitimate—things which, he asserted, could not be touched by the Bill before the Committee without attacking the most sacred and natural rights of the Irish people. The vulgar form of "Boycotting" included things which, assuredly, if any semblance of liberty was to be retained, the people of Ireland ought to be allowed to do. The Irish peasant, surely, was entitled to associate with whom he pleased, as long as he cared to associate with them; he was entitled to trade with whom he chose, so long as those persons did not improperly carry on any business requiring a Government licence, such, for instance, as that of a publican or a person licensed to let cars for hire; and he was also entitled to work for whom he pleased. If this liberty was to be denied, the Irish people would be placed in a worse position than that of the people of Russia—although there, no doubt, such a thing as the exercise or non-exercise of a man's ordinary occupation might be punished as a criminal offence. Nevertheless, here they found that, under the shallow and hollow name of liberty, hon. Gentlemen on both sides of the House were coolly proposing to subject men to the grievous penalty of six months' imprisonment for refusing to associate with those whom they did not like, and for refusing to work for those whom they considered to be infamous characters who were not deserving of their service. If they were to preserve the smallest semblance of liberty in Ireland, these rights must be retained. Her Majesty's Government, no matter how loosely they might construct the law, or what persons they might intrust with the administration of it; no matter how they might oppress the people with soldiers and police; no matter what amount of intimidation there might be on the side of the Government—for, no doubt, this was an attempt to counteract intimidation by intimidation—no amount of intimidation it was in the power of Her Majesty's Government to apply, unless they went back to a period of early Irish history and exterminated the people—shooting them at sight, as directed by a recent Circular about which they had heard enough described—unless this was what they intended to do, any provision like that contained in the clause under discussion would prove utterly inoperative; and, so far from having the effect of putting a stop to "Boycotting" and non-intercourse, and refusing to work for persons who were disliked, it would only have a tendency to aggravate the evil, and merely drive what now was discontent to desperation, and desperation to outrage. Under this Bill, if passed, they would only find results similar to the results of like Acts of oppression which had been inflicted on Ireland in past years, often without even the sanction of the law, and it would be seen that the consequences of further legislative oppression would be the mere repetition of acts and scenes which no one in that House deplored more than he did. Therefore it was that he now came forward with an endeavour to safeguard the last remnant of human liberty in Ireland—the last remnant of social freedom, and the means of social and commercial intercourse. Of course, it might be said that this might be very unpleasant to some people; but he would point out that the evils inflicted by oppressive legislation had been very unpleasant to some people, and the desperate social remedies to which they had been driven in consequence had been so very unpleasant to many people, that he had heard the right hon. Gentleman the late Chief Secretary for Ireland, from his place on the Treasury Bench, describe them as outrages on humanity. Two years ago, before the right hon. Gentleman became indoctrinated with the spirit of Irish diplomacy, before his good intentions had had their first blush rubbed off, he had heard him say that the landlord who, in the then state of the country, used to the full his legal rights, would be deserving of the execration of humanity. These were high words, and he (Dr. Commins) distinctly remembered their being used in that House. But they did not hear such language now. At the present moment, instead of these people being said to be deserving of the execration of humanity, it was those who merely exercised their human privilege of leaving others alone who were to be deemed deserving of the execration of humanity, and the infliction upon them of the penalty of death by military execution. He threw down the challenge to the right hon. and learned Gentleman the Home Secretary, or whoever else had charge of the Bill, to point out one single act of that class of "Boycotting" which was understood in the ordinary and vulgar application of the system so-called, that ought properly to be restrained by the intervention of the law, which would not be included within the four corners of the Amendment he asked the Committee to adopt. Let the Government suggest any such act that was not included in the Amendment, and if he found that this was so he would include it. Hon. Members on the Opposition Benches below the Gangway had been challenged to produce their definition of intimidation, and they had answered the challenge. Her Majesty's Government had confessed themselves incapable of furnishing a definition, and he (Dr. Commins) now came forward and said he was ready with a definition, which he now furnished—a definition that would include every offence and every possible combination that could be engaged in with intent to do illegal damage to a third person. If this were not enough for the Committee, if they wanted something wider than his Amendment, all he could say was that the spirit which had hitherto characterized the law seemed to have somewhat gone out of it, while those who were engaged in the framing of the law preferred that it should remain vague and obscure, and appeared to be animated by the spirit of those who, in ancient Rome, hung up the Twelve Tables so high that the people were unable to read them. He would put it to the Committee whether it was possible for any reasonable man to say, before the civilized world, that the laws which were to govern Ireland were made so that the people of that country could be expected to understand them? Under this Bill, it was proposed to create an offence that could not be defined; and he maintained that this was done as a snare or pitfall which was to be laid for the Irish people by a class of officials who had always been looked upon as the oppressors of the people. He was sorry to have taken up so much of the time of the Committee, and he must thank the Committee most cordially for the attention with which it had received his most imperfect observations. He would conclude by saying that unless something better than the definition of intimidation at present inserted in the clause were furnished by the Government—if, in fact, the Government persisted in their expressed intention, and adhered to the description or definition, such as it was, that they had already given, they would leave the Bill open to the observation that it was a measure not directed against violence, not directed against crime, not directed against injustice, but one which was in reality directed against public opinion. In which case he told Her Majesty's Government that in the long run they would find public opinion to be too strong for their Bill, and too strong for themselves. He begged to move the Amendment which stood in his name.

Amendment proposed,

In page 3, line 25, to leave out all the words after the word "intimidation" to the end of the Clause, in order to insert the words "shall mean any words spoken or act done against any person from which he would have reasonable grounds to apprehend that the person using such words, or doing such act, intended to do him some illegal damage, or to cause or incite some other person or persons to do him such damage, in such manner as would justify a justice of the peace, on complaint made to him in that regard, to bind over the person guilty of such language or act in securities to keep the peace."—(*Dr. Commins.*)

Question proposed, "That the word 'includes' stand part of the Clause."

MR. O'SULLIVAN said, he hoped the Committee would accept the Amendment just moved by his hon. Friend the Member for Roscommon (Dr. Commins). If they made no other step in the shape of altering or amending the Bill, they certainly ought, in his opinion, to adopt this proposal, because if the clause were to be left in its present shape, with its wide and sweeping language unaltered, it would be open to any Justice of the Peace to put any construction he might think fit on the word "intimidation."

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present.

MR. O'SULLIVAN said, there were many things in the clauses of the Bill to which he objected, and there were some to which he had the strongest possible objection, and among the latter was the paragraph in the clause then under consideration, which the Amendment moved by his hon. and learned Friend the Member for Roscommon (Dr. Commins) proposed to omit, and for which it was intended as a substitute. The words used in the clause were—

> "Any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

This would leave it open for the magistrate before whom a case was brought to put his own construction on a word that might have been used by someone in a passion, but who only used it in the heat of the moment, and had no intention to do any injury. As to the words—

> "Or in fear of any injury to or loss of his property, business, or means of living,"

it might be that a man might lose his property, business, or means of living, by the mere result of ordinary opposition or competition in his trade. It was quite possible for one man to thoroughly destroy another's business by commencing an opposition to him in the next street; and if the Committee was to legislate in this loose way and give such wide scope to the magistrates in their interpretation of the clause, they would find that many persons would be committed to prison who ought not to be so dealt with. If, however, the Committee accepted the Amendment, it would have the effect of furnishing such a definition of intimidation as would prevent the sweeping constructions that would otherwise be put upon innocent words and acts by magistrates, who would not be at all scrupulous in going to any length they were enabled to do. There were several other parts of the clause that were very objectionable; but if the Committee accepted the Amendment of his hon. and learned Friend the Member for Roscommon (Dr. Commins) these objections would be greatly modified, for that Amendment would define the charges on which a man might be brought before the magistrates and convicted in the penalties imposed by the Bill. It certainly appeared to him a very hard thing that because a man who had been worked into a passion might make use of words which he had no intention of carrying out—expressions which he only suffered to escape him in the heat of the moment—he should be liable to be brought before a magistrate, and committed to prison for a term of six months, for having said what was calculated to put any person in fear of any injury or danger to himself or family. It might be held under the clause, as it stood, that one man threatened to do injury to another by setting up in business and starting an opposition trade. Therefore, he thought that if Her Majesty's Government intended to permit any change to be made in the Bill or to accept any Amendment, the Amendment of his hon. and learned Friend (Dr. Commins) ought to be adopted. If, however, the Government were determined to throw down their Bill on the Table and say they must have the Bill, the whole Bill, and nothing but the Bill, it would be of no use to attempt making any further Amendment. If, on the other hand, they were disposed to listen to reason, he would strongly recommend them to accept this Amendment. There was nothing objectionable in the Amendment, nothing that could be regarded as wrong; and it would not alter the Bill very much if adopted, but would merely show the Irish people that they need not be afraid of the measure, unless they choose to commit themselves by acting in an unlawful manner. What he wanted to see secured was the protection of the men who were innocent, and who, having made use of words they were sorry for directly afterwards, ought not to be subjected to the heavy penal consequences of this Bill. If the Committee would accept the Amendment of his hon. and learned Friend (Dr. Commins), they would be affording this protection by putting the offence of intimidation in a definite shape.

Mr. O'KELLY said, he regarded what had taken place with regard to this clause as a striking illustration of the temper of the Government. The matter now under consideration was very important. If Her Majesty's Government simply meant to deal, as they had previously intimated, with actual acts of violence, or with acts tending to incite to violence, he thought they might very fairly accept the Amendment of his hon. and learned Friend the Member for Roscommon (Dr. Commins); but, from the silence they had hitherto observed with reference to that Amendment, it might, perhaps, be assumed that they had definitely made up their minds to make no concession to the Irish Members in the passage of this measure, and that they intended to insist on the passage of every clause in the Bill, whether it was reasonable or unreasonable—and no matter how unreasonable the Irish Members might show it to be. If the clause stood as it was originally drawn, without amendment, it would be the means of inflicting very great hardship and injustice on the Irish people—not on any small class in Ireland, but on the general population of the country. The effect of this clause would be very widely felt, because it would place the people completely at the mercy of every policeman and every hanger-on of a landlord or of a landlord's agent in Ireland; and he assumed that the Government scarcely desired to place so unreasonable and unconstitutional a power in the hands of irresponsible persons. If the Government would only go so far even as to pledge themselves to the Committee that this measure, stringent as it was in many of its provisions, should only be put in force with the consent of the Executive Government in Ireland, they might then have some guarantee that it would not be used for the purpose of executing local vengeance, or for the satisfaction of petty spites. But, in its present form, there was no guarantee that every maliciously-disposed person in the country might not make use of the Bill, when passed, for the purpose of wreaking his own private vengeance; and, so far from contributing to the peaceableness of the community, the constant tendency of the operation of the measure would be to promote friction among the people. If Her Majesty's Government would accept the definition offered by this Amendment, the people of Ireland would at least be able to form something like a clear notion of what was legal and what was not legal—of what they might do under this measure, and what they might not do. If the Government insisted on maintaining the clause in its integrity, no one would be able to understand what were the limits of his rights—what he would be at liberty to say, or what act he would be at liberty to do. This he held to be a most unreasonable state of things, and one that no sensible Government ought to promote or be the means of bringing about in any country. According to the Amendment, any person who might be in any way injured, or in any way threatened, or put in danger to his person or his property, by which he could seek protection under the existing law, would be able to go into Court and punish the person who had attacked or threatened him; and he was sure that this would supply the Executive in Ireland, and those who had to administer the law in that country, with ample powers for dealing with any system of "Boycotting" or of social ostracism that might be attempted in Ireland.

Mr. LEAMY said, he would not pretend to say he was at all surprised at the Government not accepting the Amendment of his hon. and learned Friend (Dr. Commins), because he assumed that by this time they had made up their minds not to accept any Amendment that might come from that quarter of the House. The Government were determined not to accept any advice it received even from its own supporters, including some very distinguished lawyers; and by insisting on carrying the clause under discussion without amendment, they were committing to the Irish magistrates a power which ought not to be given to anyone. It seemed to him that if the right hon. and learned Gentleman the Home Secretary had inserted words in the clause that would have included any word spoken or act done by any person in Ireland, he would have given the Committee about as good an indication of what was intended to come within the purview of the Bill as he had done by what he called his explanation. The right hon. and learned Gentleman had told them he was not able to define intimidation, and stated that he had not attempted to do it; but he had endeavoured to explain what was meant, and the explanation was that any word spoken or act done that might be calculated, in the opinion of the magistrates, to put any man in fear of injury, or loss of property, or business, or means of living, was intimidation. He (Mr. Leamy) confessed that he failed to see how any magistrate, acting honestly under the powers given by this Bill, could refuse to sentence, either to a mild or a long term of imprisonment, anyone who criticized the conduct or character of another, or spoke ill of another in regard to the conduct of his trade. If a man ventured to suggest that the goods of a particular shopkeper were not worth buying, or told a friend that he could get a better class of goods from one man than from another, he would, under the operation of this clause, be liable to be brought before the magistrates, and sentenced to a term of imprisonment. There was nothing in the clause which stated that the surrounding circumstances were to be taken into account. It would be quite enough for a man to say to another—"I advise you not to deal at such a person's shop, because you cannot get good articles there," to bring a man under the penalties of this Bill. The Amendment would, if carried, have the effect of rendering any man liable to be sent to gaol under the Bill, provided he used such language or did such act as under the Act of Edward III., which conferred large powers, would enable the magistrates to bind a man over to keep the peace. They had, within the last few months, seen men bound over to keep the peace in Ireland under that Statute; and they knew very well that in the opinion of the present Irish Government the conduct of the magistrates, in the judgments they had given under that Statute, was regarded as harsh, as was shown by the action the Executive had since taken. Anyone who had had experience of the numerous and varied cases in which the magistrates were able, under the Statute of Edward III., to bind people over to keep the peace, would see that if the Amendment of the hon. and learned Member for Roscommon (Dr. Commins) were accepted, in nearly every case—he might say he was sure it would happen in every case—in which the Government would desire the law to interfere the magistrates would have power to send any man to gaol under this Bill. But he supposed the Government must be considered to have resolved on carrying the Bill as it stood. They had come to the determination that when once they had put a word into the Bill it could not be taken out again without somehow going back on the principles of good government, and all that sort of thing. They had also seen, during the last few days, in the discussions that had taken place on this Bill, that the moment Her Majesty's Government ventured, even ever so slightly, to speak in favourable terms of some Amendment or suggestion from the Benches occupied by the Irish Members, some Conservative occupant of the Front Bench immediately got up and said to the Government — "Oh, you must not do such a thing. Why should you speak in such a civil way to hon. Members opposite? The Irish people will think you are not in earnest, that you are not sincere, that you mean nothing, if you give way on this point." The Government knew very well that they could carry the clause. As the right hon. and learned Gentleman the Home Secretary said that evening, the clause had stood fire very well during the last three days. Why, if the Irish Members had riddled the clause, and it had been also riddled by the supporters of the Government, so that they had not left one single word of the clause, as originally drafted, in its place, the Government, and the majority they had at their back, would set the clause up again exactly as it was before. What, therefore, was the use of hon. Members riddling a clause, if the Government were determined to force it down their throats? Of course, it was the duty of the Irish Members to protest against this course.

They all knew very well that the effect of the administration by the magistrates of the new Bill would only be to further exasperate the people. They would be convinced by what was now proposed that they had nothing to hope for from the great Liberal Government which had come into Office with such sounding promises for the amelioration of the condition of the Irish people, and winning them over to the side of law and order by making the law something which they could respect, and could not in every case afford to complain of. But how had these promises been kept? This Bill was not intended to afford protection. As the hon. Member for Tipperary (Mr. Dillon) had pointed out, there was a wide difference between this measure and the English Act of 1875—the Act which the English workmen obtained to relieve them of restrictions and prevent undue interference with the right of combination. The hon. Member had shown that the magistrates, knowing the spirit in which that Act was introduced, would feel it their duty to be as slow as possible to punish those who were brought before them under it. But in this case they had a Bill which said that every act done, or word spoken, that might be deemed calculated to injure anyone in his business or property was a crime; and it would be almost impossible for any magistrate, however desirous he might be to administer the law fairly, to allow a single act or word brought to his notice to go unpunished as a crime. He should be glad if they could get some intimation from the Government as to whether or not they intended to leave out the last words of the clause—the words "any injury to or loss of his property, business, or means of living." It appeared to him that, as the clause then stood, if a tenant said to his landlord, "I won't pay my rent," he could be summoned to the Court and sentenced to three or six months' hard labour. Did the Government intend that because a man might refuse to pay his rent, or said he had not enough money, and would not pay for a month or more, he should be sent to gaol for that? Because, if a man used such language, he would be clearly saying that which was calculated to put his landlord in fear of injury and loss of property. When a tenant said he should not pay his rent then, or he had not the means, the landlord might very likely be in some fear that he would never get his rent at all, and, as his rent was his property, that would be fear of the loss of his property; and he (Mr. Leamy) did not see how any magistrate administering the law could pass this over. It was, he was afraid, evident that the Government were resolved to carry the clause through as it stood in the Bill. They had done the same thing last year, and they had failed in the object they had intended to secure; and he had very little doubt that when the House of Commons met again next Session the Government would be compelled to admit that this latest Coercion Act was as complete a failure as the last had been.

Mr. HEALY regretted that this Amendment must exclude consideration of the next, because it would be necessary to put in the word "include," and he did not know whether the Government had any objection to inserting that word. The opposition of the Government was an extraordinary one. They wished magistrates to have power to sentence men to six months' imprisonment for anything that they could imagine; and they proposed to place no limitation upon that power whatever. He would like to hear from the Government whether their position was one of a *non possumus* character, and whether they refused to give any concessions and no reasons for their refusal. It was not usual, when an Amendment had been moved, for the Government to say nothing upon it.

The SOLICITOR GENERAL (Sir Farrer Herschell) said, the hon. and learned Member for Roscommon (Dr. Commins) had, in speaking upon this Amendment, dealt with many things which were really outside the scope of the Amendment, and had given a number of illustrations of cases which he said would come under the clause, but which he (the Solicitor General) thought it would be impossible to bring under the clause. The hon. and learned Member had left out of sight the fact that, in order to bring any person within the scope of the Act, any act done or word spoken must be done with a view to coerce someone to do something he did not wish to do. Those were the governing words of the clause, and that purpose must be proved in every case in which an offence was alleged against any person. The hon. and learned Member said he had taken the grounds of the Amendment from the Act of 1871. It was perfectly true that that Act contained, not exactly this definition, but something in the nature of this definition of intimidation. But that definition was abandoned when the Act of 1875 was passed; and the hon. and learned Member was mistaken in saying that the agitation which took place was against that definition of intimidation. It was directed against a different part of the Bill altogether—namely, that relating to molesting and obstructing, and had nothing to do with intimidation or the definition of intimidation. When the Act of 1875 was passed, it was thought wiser not to define intimidation, and, therefore, intimidation was omitted. He could not think the hon. and learned Member had been so successful in defining intimidation as to meet all cases, which he should have thought every hon. Member would desire to meet under this Bill. If that definition were accepted, the only cases in which a man could be punished for intimidation would be those in which he had done acts or uttered words in respect to which he could be bound over to keep the peace. Surely there had been sufficient illustrations during this debate to show that acts were done in violation of liberty in Ireland—and admittedly so done by the hon. Member for the City of Cork (Mr. Parnell) and others—which would not come within this Amendment at all; and the hon. Member for the City of Cork admitted that it was desirable to put a stop to "Boycotting" which was used for purposes of a most objectionable and cruel character—to prevent persons obtaining the means of livelihood, and so starving them into submission to a course which they thought was not the right course. He thought many hon. Members would join with the hon. Member for the City of Cork in wishing to put down that practice; and when the hon. and learned Member for Roscommon proposed to alter this clause in order to leave some vestige of liberty, as he said, to the people of Ireland, he would remind the hon. and learned Member that what the Government desired was that the people of Ireland should be left free, and should not be coerced and forced by intimidation to what their consciences condemned. He could not imagine, in the name of liberty, any invocation of tyranny greater than that from the Irish Benches. Why was it the Government desired to see this clause passed? He did not think even Irish Members could doubt that it was because it was revolting to one's whole nature that a man should be forced and driven by the acts of others, and by the fear of starvation, to take a course which his conscience condemned. Could there be more horrible tyranny than that? When he thought of those who had been thus coerced and driven against their own will and desire, it was very difficult to be altogether patient with criticisms, some of which were conceived directly against the Bill, as though it were a wicked thing to endeavour to put a stop to crime. If a better way could be shown of doing this, or if there were mistakes in the drafting of the Bill, by all means let that be done, and the Government would anxiously and carefully consider the objections, and would do everything possible to put down the terrible affliction which had been visited upon many people in Ireland. Who were the people the Government wished to protect? The Irish people. [Mr. HEALY: The Irish landlords.] It was something new to him to learn that Irish landlords had not a right to be protected from intimidation. Had even an Irish landlord no rights? Was it wrong to protect him, and leave him at liberty to act within his rights as a landlord? But he denied that it was the Irish landlords whom this Bill was designed to protect. The Irish landlords were one class, and a very small class, of those whom the Bill was designed to protect. There was not a class in Ireland that had not suffered more than landlords—peasants and farmers had all suffered from "Boycotting" infinitely more than landlords—and, therefore, he denied that the Bill was intended to protect landlords alone. It was for all men and all classes in Ireland; and he should have thought that the hon. Members opposite might have been willing to assist rather than impede the carrying into effect of a clause which would have the effect of preventing intimidation and coercion of a kind which seemed to be of the worst and most cruel description that could be imagined. The course which the Legislature had pursued might be bad; but the coercion by men actuated by selfishness and evil passions was infinitely worse than the most mistaken coercion of the most mistaken Government that ever existed. He altogether demurred to the view of the hon. and learned Member for Roscommon, that there was something wrong in putting a stop to this coercion, and the Amendment now before the Committee would not meet that case; and that was his objection to it. There were kinds of intimidation which hon. Members below the Gangway opposite admitted were not justifiable; and he thought he had fulfilled the demand that was made upon him by stating, in as plain terms as he could, the reason why, although they were willing to fairly consider any Amendment that was consistent with putting an end to what he should have thought all would desire to stop, it was impossible to accept an Amendment which really would not meet many of the cases which even the hon. Member for the City of Cork had admitted the Government ought to put an end to. On these grounds, the Government could not accept the Amendment.

Mr. HEALY said, he thought the hon. and learned Gentleman had entirely mistaken the points of his hon. and learned Friend's Amendment. His hon. and learned Friend desired a limitation of the word "intimidation," because he feared the powers given under this Bill would be abused. The hon. and learned Gentleman had not attempted to meet that in the smallest degree. He had stated a number of truisms which nobody could dispute; but they were altogether beside the question. The hon. and learned Gentleman said nobody had a right to compel a man to do what was revolting to his conscience. Did the hon. and learned Gentleman maintain that proposition? He remained wisely silent, because, no doubt, he remembered the Vaccination Act. A man might be obliged to do some things which were revolting to his conscience in England or in Ireland. Then the hon. and learned Gentleman said it was not the Irish landlords alone who were to be protected. Whence came the demand for this Bill? Who asked for it? Where were the Petitions in its favour? He would challenge the Government to show a single demand from anybody in Ireland in favour of this Bill. He and his hon. Friends represented Ireland in a much stronger sense than anyone on the Treasury Bench. Where, then, was the demand? The Judges had already condemned the Bill twice in succession, and the Prime Minister was altogether evading that point, knowing that the first portion of the Bill was absolutely condemned by those who were intended to carry it out. Was there a demand from any "Boycotted" class for this particular Bill? Could the Government show one man in Ireland who would say that this Bill would do the smallest atom of good? What was "Boycotting?" It might be said that a man should be compelled to sell provisions; but how were people to be made to buy them? A man in Ireland might be compelled to sell bread by the Intimidation Clause of this Bill, under which he could be sentenced to six months' imprisonment; but people could not be compelled to buy his goods, so that this Bill was ridiculous, useless, and absurd, except as a Bill to give magistrates vindictive power. The Government said intimidation was so Protean that it could not be defined; and the Home Secretary said that some cases of intimidation, when it took the form of refusing to supply provisions, would be dealt with by six months' imprisonment. If a man took his butter or cattle to market, would people be punished by six months' imprisonment for not buying of him? If not, what was the good of this "Boycotting" clause? If there were two blacksmiths in a town, people could not be prevented from dealing with one of them and not with the other; but, under this Bill, a man might be sentenced to six months' imprisonment for saying that he would deal with only one of the smiths. Therefore, he could not see what advantage this Bill would give from the Government point of view, while he could see great disadvantages. The Solicitor General said coercion was worst of all when motived by evil passions. The Irish Members contended that the evil passions of magistrates in Ireland was the worst form of coercion that could be conceived, and, therefore, they were the most unfit persons to exercise those powers. A member of the Land League might be brought before a magistrate, and the magistrate would sentence him to six months' imprisonment simply because of his membership. Would the Government say they were not going to use this Bill to prosecute members of Associations for bringing down rents? The Bill was intended to prop up the landlord system in Ireland. It was intended for the use of landlords, and would be administered by landlords or those in sympathy with landlords, only to prop up landlordism and nothing else. The people of Ireland wished to know what was to be crime in Ireland in future. The Home Secretary said people would be told plainly when this Act was passed. But that was not the case, because there was an absolute difference of opinion among the Government themselves. The Prime Minister said exclusive dealing was not a crime; but the Home Secretary thought it was a crime. Which of the two voices in the Cabinet was to be believed? The people of Ireland were told they must obey the law; and would the Government say what the law was? The people had no guarantee that this Act would be used fairly by the Government for its ostensible purpose. He was quite willing that if a man was being starved to death, measures should be taken to prevent that; but he was not willing that, if a man refused to buy another man's butter, he should therefore get six months' imprisonment. If the Government could show any distinct ground for the Bill, the Irish Members were quite willing to meet them; but they did nothing of the sort, and there had been no demand in Ireland for the Bill. It was purely motived by English opinion. The Government had brought in this Bill simply because they considered their existence imperilled, and they were met by Tory Gentlemen, who said great danger would arise unless this clause was retained as it stood. He considered "Boycotting" to be a thing which neither this Government, nor any other Government, could prevent; and in India "Boycotting" was maintained by the Government. The caste system in India was a species of "Boycotting." If a man belonged to one caste he would be refused fire or food or water by another caste; and the Government maintained that system because it was in accordance with the predilections of the people. It was "Boycotting" in Ireland, however, that was to be struck at. Men who joined together to prevent themselves from being starved were to have no pity from the Government. The Solicitor General was very sympathetic about those ruined by "Boycotting," and who, he said, were tyrannized over for doing what they had a right to do; but the Solicitor General forgot that the root of this system was the system of landlordism. The people were being ruined by the Government and by the landlords. Was there no "Boycotting" in that?

THE CHAIRMAN: The hon. Member has never yet come to his speech in support of the Amendment which is now before the Committee. I must remind the Committee that if we are to discuss the whole clause on every one of the 20 Amendments on the clause, it will be impossible for the Bill to get through Committee this Session. There is a particular Amendment before the Committee now, and I must ask the hon. Member to keep to that question, which is to insert certain words.

MR. HEALY said, he was dealing with a proposal to leave out the word "intimidation." The Government said that intimidation was of so Protean a character that it could not be defined.

THE CHAIRMAN: We are dealing with the word "includes." The last Amendment practically concluded with the whole of the words proposed by the hon. and learned Member for the Tower Hamlets (Mr. Bryce), and stand part of the clause.

MR. HEALY said, his hon. and learned Friend proposed to define intimidation, and he was obliged to consider what intimidation was not; and he was considering intimidation from the point of view of the Government. Therefore, as intimidation was Protean, some latitude of argument was necessary and almost inevitable; but he had not the slightest objection to conclude his remarks, while urging that, in dealing with intimidation, there must be considerable latitude.

SIR EARDLEY WILMOT said, he could not support the Amendment. He had carefully followed the discussion, and considered that the concession made by the Government with regard to the words "in order to," to be proposed hereafter by the hon. and learned Member for Southwark (Mr. Cohen), met every difficulty in the case. The word "calculated," standing by itself, might have led to difficulty, because it might comprehend a tradesman refusing to supply a customer with goods. A customer might be indebted to a tradesman, and the tradesman might ultimately say he would not serve him with further goods—as tradesmen sometimes did when they could not get their bills paid—and in that case the words "calculated to put any person in fear" might have amounted to a case of exclusive dealing, which would bring a tradesman within the proposed Act. As the words "in order to" had been accepted by the Home Secretary, he had no fault to find with the clause, and he thought that Amendment would get rid of the first class of exclusive dealing cases — although he should have preferred the words "with intent to" to "in order to;" but, at at any rate, they had much the same meaning. Then there was the case of a third party going to a shop and telling the shopkeeper that if he served A or B with goods it would be the worse for him. There was a clear case of intimidation, and that would be abundantly met by the clause as proposed by the Government, Then there was a third class of cases in which it was difficult to allege direct or positive intimidation, where a number of tradesmen combined and, without any communication with the person they wished to ostracize or "Boycott," refused to serve him with goods. In such a case, although there was not positive intimidation, there was constructive intimidation; and there was a well-known case in the Law Books, in which Lord Bramwell delivered an able judgment on a Common Law offence which was really "Boycotting." Lord Bramwell said every man had a right to have not only personal liberty, but also liberty of his mind and his actions. If a number of men set themselves up to deprive him of that liberty and coerce him, Lord Bramwell said there would be abundant evidence of a Common Law offence, and would bring the offenders within the law of the land. Hitherto such a case had been only indictable; but now, by this Bill, the Government proposed to make it subject to summary jurisdiction, with an appeal to Quarter Sessions. On the whole, he thought the Irish Party ought to feel that the limitation of the words would get rid of any difficulties they felt as to the possibility of exclusive dealing, which was legitimate, making persons liable to penalties under this Act. With regard to "Boycotting," he had received a letter from a highly-respectable gentleman in Ireland, in which the writer said "Boycotting" had done as much harm as any other cause, and no redress could be obtained at the present time except by indictment. For the last six months he had been unable to get a horse shod or a man to work for him, and members of the Defence Society, who had been induced to enter his employ, had been refused food altogether. The writer said he was unfortunately settled in the land, and had been shot at and "Boycotted" for six months past for spending his life and fortune among people whom he could not very much respect. That shooting and that "Boycotting" was still going on to a very great extent, and it was necessary for the Government to take this matter firmly in hand and to root up this gigantic evil.

MR. ARTHUR O'CONNOR observed, that if this clause was put into operation in Ireland by magistrates like the hon. Member who had just spoken, it would not have received so much opposition as it had received; but the magistrates in Ireland were not of that character, and, therefore, Irish Members took a view of the Bill which could not possibly occur to the hon. Baronet. It was rather difficult, under the different rulings that had been given, to discuss any of these clauses with any feeling of safety. If they were to have a certain Amendment, they must be at liberty to consider what the Bill would be without the Amendment. The Solicitor General had said he thought the Irish Members would have been almost grateful to the Government for such a measure as this, because it was intended, not for Englishmen, but for Irishmen; and therefore, they ought to be delighted to have the ægis of the police and the magisterial power thrown over the unfortunate Irish people. He recollected having heard the same thing said last year very often with regard to the Coercion Bill; but he had yet to learn that the people of Ireland had any reason to be grateful to the Government for introducing that measure; and he was not at all disposed to think that there would be, in the future, any reason for blessing Her Majesty's present Advisers for introducing this measure. But the Solicitor General seemed to have entirely mistaken the object of this Amendment. The object was not to protect "Boycotting" in any sense whatever. It was proposed in order to afford reasonable protection to persons who would otherwise be exposed to unjustifiable and petty tyranny. If a man was proceeded against under the Act of 1875, it was necessary to show that he had committed one of the offences specified in the Act, and the same sort of protection ought to be extended to the Irish people in this measure. That was a very reasonable request, and he had heard no logical or reasonable answer from any portion of the House to that application. Under the Act of 1875 it was necessary to show that a man had been guilty of using violence to or intimidating any other person, or his wife or child, or injuring his property, or persistently following him from place to place, or hiding his tools, clothes, or other property in use by such other person, or preventing him or hindering him in the use thereof, or watching or besetting his house or other place where such other person resided or worked or carried on business, or happened to be on the approach to such house or place, or following such other person with two or more other persons in a disorderly manner in or through any street or road. These were the offences, one of which must be specifically shown against a man, under the Act of 1875. But it was not enough for the Government now so to lay down the limits beyond which a charge could not be stretched under the Act of 1875, and to specify things which should not be considered intimidation. A further provision in the Act was that—

> "Attending at or near a house or place where a person resides or works, carries on business, or happens to be on the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section."

That was a very important safeguard; and the hon. and learned Member for Roscommon (Dr. Commins) wished that to be added to this Bill, in order to give the people of Ireland the same sort of protection as had been given to the people of England. A well-known writer on the liberty of the subject and the security of the person, who dealt with every branch of the English Criminal Law, said that, under the head of modern definitions of intimidation, the principle of protecting workmen against workmen was stated in sufficiently general terms, and included all persons whatsoever, and was no longer a piece of class legislature, and that, whenever any person, whether a workman or not, who had a legal right to do or abstain from any act, was wrongfully and without legal authority, and with a view to compel him to act against his will, persistently followed, watched, or beset, the law said at least a penal offence had been committed. That being the case, and these terms being of local application, he (Mr. A. O'Connor) thought it would be difficult for the Solicitor General to prove that such a case as he had contemplated would not be covered by these terms. The Solicitor General pointed out that the agitation between 1871 and 1875 was not directed against the Intimidation Clause of 1871, but against the molestation and obstructive provisions. Then he drew the distinction, and admitted that there was a distinction, between obstruction and molestation and intimidation. If that was to be admitted in the English law why not in the Irish law? The Irish Members wished to introduce some such limitation as would be provided by the Amendment of the hon. and learned Member for Roscommon, in order to protect the Irish people. In England the particular act charged against a man must be specified clearly, and it must be shown to come within the provisions of the Act of 1875. But if a man was arraigned under this Bill the police-constable would be able to adduce the most trivial, trumpery, and ridiculous charges—even the slightest glance or word of advice—and say that that, in his mind, was calculated to put somebody else in fear. In fact, there was nothing a man could do of a most innocent description which might not, upon the interpretation of the constable, make him liable to six months' imprisonment with hard labour, and that without the protection of a jury. That was perfectly monstrous; and he would urge on the sense of justice of English Members to interpose to prevent the passing of such an iniquitous enactment. At any rate, some logical argument or really solid reason should be shown for placing the liberties of the Irish people under the heel of the local magistrates and police. No such argument had ever been advanced.

Mr. DILLON said, the Home Secretary, in replying to some observations of his some time ago, had made a great mistake. The right hon. and learned Gentleman said that at least some of the Irish Members had made a declaration that they did not want a definition of intimidation, while other Members did desire a definition. The Irish Members would rather not have a definition than have the Home Secretary's. They would rather have the word "intimidation" undefined than have the Government definition, though they would much rather have their own definition. He was reminded of what took place during the debates on the Act of 1875. The Government of that day were urged to give a definition of the word "intimidation" by the present Attorney General, who was then on the Opposition Benches, and he pointed out that if the word was not defined no specific action would be required to constitute an offence, and thus making faces at a workman's child might be construed as an offence under the Act. The Government of that day met that argument by practically promising that, although the word was left undefined in the clause, it would be defined by the interpretations which the Judges would place upon it; but did the Party now in power accept that? Nothing of the kind. They divided, and the Government only carried their proposal by a majority of 10, the whole of the Liberal Party opposite going against the word "intimidation" being left undefined. Now, because it was an Irish Bill that was introduced, not only would the Liberal Party not do what the Irish Members asked, and leave the word undefined, but they must put in a definition which left the word ten times worse than if it was undefined. Notwithstanding the superior rhetoric of the Home Secretary, he would not be able to throw dust in their eyes. They would rather have the word undefined, because they believed that the decisions of English Judges, and the precedent of the English Act, would rule the definition of the word in Ireland. A counsel defending a man could appeal, as authorities, to the decisions of the Judges under the Act of 1875 in England. The Government knew that perfectly well; and it was with a view to depriving Ireland of that privilege that they put in this definition, which swept into the nets of this clause everybody in Ireland who looked crooked at the wife or child of an Irish landlord, or any man who refused to return the "Good morning" of a landlord. There was a man now in Dundalk Gaol imprisoned for refusing to do that. If a man refused to say "Good morning" to a man who had taken a farm from which another man had been evicted, that would be intimidation under this Act. It would be quite sufficient for a person who was well known, and had some influence, to turn his back on such a man. If he (Mr. Dillon) went into a town, and, in the presence of a large number of people who knew him, refused to take the hand of a man he had previously known, he should be held guilty of an offence under the Act, and the man could swear he had intimidated him, and created public odium against him. If this Act was passed, he dared not refuse to shake hands with a man he had previously known. Did the Government mean to say by this Act that he, or any other man who was known to have some influence with the people, were bound to conciliate a man, and speak respectfully of him, and to take his hand, or, if not, to be accused of having done an act "calculated to injure him in his business or means of living?" There was not the slightest doubt that such a case would come under this clause, and he had no doubt there were people in Ireland and in Tipperary who would gladly sentence him under it. The Irish Members wanted intimidation defined. They wanted to know what the law was in Ireland, and not to have arbitrary power set up; but they would rather have the word left as it was in the English Act than accept the definition of the Government, and, therefore, their first object was to get a proper definition, as proposed.

Mr. HEALY said, he thought the Attorney General for England seemed amused at the suggestion of the hon. Member, that a word or a look might render him liable to six months' imprisonment; but a Miss Reynolds, in the Queen's County, had been sentenced to six months' imprisonment for merely saying, when some policemen seized the carts and horses of a man, that although they might seize the carts, they could not compel anybody to drive them. If a man who was known in the neighbourhood refused to shake hands with another, or to go on the same side of the street with him, he would be held to have intimidated the other man. He challenged the Prime Minister to show that there was any intimidation in the act of Miss Reynolds; that there was a bit more or less that was offensive in the eye of the law than the case of which his hon. Friend had stated would be likely to put him into prison. It was an extraordinary thing that Irish Members, standing in opposition to and challenging this Bill, were in the same position exactly as the Attorney General when he was fighting the Act of 1875. The Attorney General, at that time, said that by leaving the word "intimidation" undefined, no overt act or anything would be required to obtain a conviction. Was that still his view? No. He now said they were dealing with a Liberal Government and the stipendiary magistrates whom the Government would appoint, and, therefore, there would be no fear. The Attorney General had further said that the mere making of faces at a workman's child would be sufficient to constitute an offence; but he sneered at the hon. Member (Mr. A. O'Connor) for saying that if he refused to give a man a salute he would be imprisoned. When the hon. and learned Gentleman was out of Office he could take a very different view of what intimidation was. Ought he not to be ashamed of himself to sit upon the Treasury Bench and defend a position so contrary to the position he defended in 1875? He was obliged to defend that position now, simply because he was English Attorney General, and the Irish Members were in the position he had deserted. The hon. and learned Gentleman would not have got the position he now held if he had not taken that course. Last year the Prime Minister said exclusive dealing was not a crime, but now brought in a Bill which made that a crime. What were they to do with a Government of that kind? On the one hand, there was the Attorney General defending the position he assailed a few years ago; and on the other hand, there was the Prime Minister, who last year said exclusive dealing was not a crime, this year bringing in a Bill to make exclusive dealing a crime. He himself (Mr. Healy) had an Amendment on the Paper, declaring—

> "That no refusal by any person to deal with another in the way of the trade, business, or employment of either; and no declaration of intention not to so deal, and no resort to the practice of what is commonly known as exclusive dealing, shall of itself be deemed to be intimidation."

Would the Government accept that clause and insert it in the Bill? No; they would not. The Prime Minister last year was not opposed to exclusive dealing; this year he made it a crime. The Attorney General four or five years ago had his own view about intimidation; this year, simply because he was across the floor of the House and was Attorney General, he took a different view.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the hon. Member had made a somewhat strong attack upon the Government in general, and upon one Member of it rather more directly than the others. He (the Attorney General) had been of opinion in 1875, as he was now, that some overt action was required to complete the offence of intimidation. The House of Commons consented to the Statute of 1875 becoming law, and what had been the result? Had any injustice resulted from the acceptance of those words? He maintained that no injustice had fallen upon any individual, and he was prepared to contend that no injustice would follow the passing of this Act. There was much more to be said in relation to what occurred here. There were no Sub-sections (*a*) and (*b*) in the Act of 1875; there were no such safeguards and protection in that Act as were given in this case, because in this Bill, in consequence of what occurred in Sub-sections (*a*) and (*b*), intimidation must be used with a certain view and object—intimidation must be used with the view and object of injuring some person or persons. It was quite right to say that exclusive dealing was not to be treated as an offence; and it was equally true to say that it was to be treated as an offence, and for this reason, that the offence must depend upon the circumstances under which exclusive dealing occurred. He did not know that "exclusive dealing" was a proper term to use. If the right of choice of your tradesmen or customers, as the case might be, proceeded from a right motive, exclusive dealing would be perfectly legal. It would, for instance, be perfectly legal for a customer to say, "I will not deal with you because you do not keep good articles;" or for a tradesman to say, "I will not sell to you because you will not pay me, or because your family has got the fever." That was the exclusive dealing which the Prime Minister said might be resorted to. It was quite a different thing when there was exclusive dealing for the purpose of depriving a man of food. When a man said, "I will form a part"—separate or individual action, it might be—"of a collective system to prevent a man getting food," which was the means of life in the country, he would be guilty of the exclusive dealing which was aimed at by this clause. Although no reason might be given, the offence must depend upon the circumstances. He could not judge of what the tribunal would say in any particular case. It was correct for hon. Members to say that the Prime Minister said that exclusive dealing was a right thing; but the exclusive dealing in the mind of the right hon. Gentleman was not exclusive dealing done with a view to cause any person or persons either to do any act which such person or persons had or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons had or have a legal right to do. It was, therefore, a mere matter of phraseology which was being dealt with. He did not wish to enter now into the general matter in relation to the clause; but he would say, that when it was said they were interfering with liberty of action, this clause was intended to give freedom and liberty of action to every subject in Ireland. They intended that a man should not have his views controlled by those who said, "If you do not do a certain thing, we will not deal with you; if you take a certain view on political and social matters, we will put you under a ban." He asked hon. Members whether, in order to preserve the right of individual action which was so requisite for good government, a clause of this kind was not necessary? He would not go into detail, because it seemed to him they were always drifting away from the leading matter under consideration. The hon. Member for Roscommon (Mr. O'Kelly) asked that there should be no offence unless the intimidation was accompanied by actual violence, or by a threat of violence. They had departed from that position long ago, and he did not think the Amendment was one which could be accepted.

Mr. T. D. SULLIVAN said, very little light had been thrown on the subject by the speech they had just listened to from the hon. and learned Gentleman the Attorney General. They now learnt that the question of motive arose in the matter. The hon. and learned Gentleman said there was exclusive dealing which might be harmless and legal, and there was exclusive dealing which might be illegal, and the legality or illegality would lie in the motive of the man who practised this exclusive dealing. Then they were to have an inquiry into a man's motive, they were to have an Inquisition in the case of any man who was supposed to be practising exclusive dealing against any particular shopkeeper. They talked of foreign Inquisitions; but was there ever a more stringent and a more absurd one than this, that a man should be brought before an Irish magistrate and made to declare the motives which influenced him in not dealing with a particular person? Ordinary social life would be impossible under such a law. He could give them an instance of one purpose to which the law might be applied. There were in Dublin a number of shopkeepers known as the "Lion and Unicorn" tradesmen, specially patronized by Dublin Castle. These tradesmen set up over their establishment a rampant Lion and a tremendous Unicorn, gilded and painted in a most brilliant fashion. Under this law it would be a crime for people to refuse to leave their money with the "Lion and Union" shopkeeper. Suppose one of these loyal gentlemen said—"My business is declining, although I have the 'Lion and Unicorn' and the words 'By special appointment to His Excellency the Lord Lieutenant' over my shop; these seditious people pass my door, and take their money elsewhere;" and suppose he laid a charge against some person who formerly dealt with him, but did not do so now; the accused would be brought before the magistrate and asked to declare his reason for no longer dealing with this loyal shopkeeper. It was an absurdity, but such proceedings were quite possible under the Act. The clause was so drawn as to bring within its scope every human being in Ireland, This legislation was aimed at the whole Irish nation, and it was left to the discretion of a magistrate to say what punishment a man should receive for any simple act he might do or word he might utter. It had been admitted over and over again that this was an impracticable clause; it would be absolutely impossible to work it to the full extent, and it would depend upon the temper of individuals how far it would be used and abused. Under the circumstances, he considered the clause, from first to last, obnoxious, and, of course, every proposition that went in the direction of limiting the evil contained in it would receive his hearty support.

MR. JUSTIN M'CARTHY said, that, according to the Attorney General, they were not to be alarmed by this measure because of the example in the English Act. But the evil would lie in the working out of the measure. All cases arising in England under the Act of 1875 were to be investigated by juries; but in Ireland the cases arising under the present Act would come before Resident Magistrates or a tribunal composed of Judges, and not before juries. He could not help thinking, when the hon. and learned Gentleman was speaking, what a marvellous being, in the opinion of the Government, a Resident Magistrate must be. The Prime Minister shrunk from defining what was intimidation; the Attorney General dared not define intimidation; but the Resident Magistrates of Ireland could be safely trusted to define it with perfect justice and accuracy. What Parliament might not venture to do a Resident Magistrate might do. More than that, so great was the trust put in his impartiality that the Resident Magistrate might even inquire into the motives of a man. The clause unamended was certainly imperfect and unsatisfactory.

MR. BIGGAR remarked, that hon. and learned Gentlemen had told them that exclusive dealing in itself was not improper, and was not an offence; but that if it were resorted to with a bad motive it became an offence. Although the Attorney General vouchsafed this information to them, he did not tell them what evidence would be required to prove the motive. If the Attorney General would give them in the Bill some indication of the proof required, it would assist the Committee very much, because in Ireland they were to have to administer this law tribunals of a peculiar nature. Last year one of the tenants of Lord Kenmare was sent to prison because he could not pay his rent. He (Mr. Biggar) supposed that under this Bill a tenant would be sent to gaol if he did not come to pay his rent on a particular day, although he might not have the means to pay his rent at all. He agreed with his hon. Friend the Member for Tipperary (Mr. Dillon) that there was no proper definition, and that what was intended ought to be made clear. It was very easy for people to avoid a breach of the law if they knew what the law was; but in this case they were told that the law depended upon the whim of individual magistrates. The Solicitor General had told them that anything done under this clause must be done with a view to coerce. Now, that was not a correct reading of the clause, because the word "coerce" did not appear at all. The word "cause" was used, and that was a word much more easily satisfied in the mind of an Irish magistrate; so that, in point of fact, this argument of the Solicitor General was quite defective. Of course, they all agreed that anything calculated to coerce, or to intimidate, or to take the personal liberty of the subject, was, in the words of the hon. and learned Gentleman the Attorney General, most objectionable, and should be put down. But in Ireland they knew very well that this law would be so administered as to very injuriously affect a particular class. The persons who had the administration of the law in their own hands would always take care that, while the persons belonging to their own class should escape all punishment, the members of the other class should suffer very severely under the Act. All manners of coercion were used by landlords and agents and bailiffs for the purpose of getting impossible rents from impossible tenants. Tenants had been turned out of their holdings, and no account had been taken of the improvements and goodwill which, in many cases, was greatly in excess in point of value of all the rent due. Tenants were often deprived by the landlords of the means of living; in fact, the coercion practised by landlords towards tenants was far greater than the coercion exercised by tenant farmers against landlords. In regard to "Boycotting," if the practice came to the worst, and there was a refusal to supply the necessaries of life, he (Mr. Biggar) did not suppose that any personal inconvenience would arise, because if one tradesman did not supply goods another would. He suspected that in many cases shopkeepers refused to supply goods to a needy landlord because he did not wish to give him any further credit. The case of the Government was a very unfortunate one; they created intimidation an offence, but they could not explain it. They expected the Bill to be properly interpreted and administered by the magistrates, who had no legal training, and who had not even the advantage of the advice of a professional man. This was haphazard legislation, and the decisions under such a clause as the present must be of an irregular and haphazard description.

Mr. P. MARTIN said, he had listened very attentively to the observations of the hon. and learned Gentleman the Attorney General, and regretted to find no answer had been given to the simple question which his hon. Friend the Member for Tipperary (Mr. Dillon) had so clearly and forcibly submitted for the consideration of the Government. The great bulk of the Irish Members, as he stated, were dissatisfied with and condemned the attempt made in the Bill to define the offence of intimidation. It was a definition plainly loose and vague, and an imperfect and inadequate definition was, unfortunately, likely to cause want of uniformity and injustice in the sentences pronounced by those magisterial tribunals. Then, under the circumstances, as the Irish Members were willing to leave the offence without definition, as was done in the English Act, why should the Government persist in a refusal which must inevitably result in a great waste of time? In his (Mr. Martin's) hearing, the Prime Minister stated in the House a couple of days ago that he was anxious that, in every way, this Irish measure should bear a strict analogy to the English Act. If in the English Act there was no definition of intimidation, why should it be sought to put in this Bill a definition of what the Government themselves said it was impossible to define accurately? Why not leave the matter to the Court if they had confidence in that Court, though the Irish Members might not have confidence in it? As the hon. Member for Tipperary pointed out in the clearest and most forcible manner, there was every reason why they should do this, because the decisions in the English cases would be a guide and a check to the Irish Court in adjudicating upon cases of intimidation. Why, therefore, not strike out this intended definition of what the Government frankly admitted it was impossible to define? Why not leave the matter to the Court, in the hope that it would be guided by the English decisions? With all respect to the Government, he must confess that they were on this occasion provoking a great waste of time. It was only two days ago that the right hon. and learned Gentleman the Home Secretary asked the Irish Members sitting opposite—Did they contend, or would they be willing, that there should be no definition? He must say the impression left on his mind, and, he would submit, conveyed by the words used by the Home Secretary, was that he could not accept the words by which the offence was then sought to be defined. But, if it was demanded, he was willing there should be no definition of intimidation, and to leave it to the discretion and judgment of the tribunal under this Act, as in the English Act, to say whether an offence had, or had not, been committed.

Mr. PARNELL said, he wished to support the hon. Member for Kilkenny (Mr. P. Martin) in the suggestion he had just made. The hon. Gentleman had suggested that the Government might save a great deal of time by withdrawing cumbrous, clumsy, wide, and inconclusive definition, and allow the clause to pass without it. What would the Government gain by continuing in the *non possumus* attitude which they had taken up in the various stages of this Bill—by asking the Committee to accede to a certain definition of intimidation which would make it impossible for anyone to do anything or to say anything without breaking the law, if the stipendiary magistrate chose to say that the particular act or word constituted intimidation? A great deal of capital had been made by the Government out of the practice of "Boycotting," and they had expressed their determination to put it down; they had said they would not allow anything to be cut out of the Bill which would deprive them of the power to put down "Boycotting." He did not think the Government cared anything at all about the power of putting down "Boycotting." He believed their object was simply to put down combination to deprive the Irish people of the right of combination. He was perfectly willing they should take power to put down "Boycotting," if they could not put down anything else by means of such power. If they would bring forward an Intimidation Clause, giving them power to put down "Boycotting," but which, at the same time, would preserve to the people the right of combination, he would be quite prepared to agree to it. This clause, however, in addition to giving them power to put down "Boycotting," gave them power to put down the right of organization or combination. [The ATTORNEY GENERAL dissented.] It was perfectly useless for the hon. and learned Gentleman to express dissent. The clause did give the Government the power he (Mr. Parnell) had described. This appeared to be the situation, and he would ask the Government how long they wished this entanglement to continue? Let them take power to put down "Boycotting," but leave to the Irish people the right of combination. The present clause went a great deal further than that, and the Irish Representatives objected to it on that ground. Did the Government wish to give a labourer the right to leave his employer's service? "We do," said the Attorney General for England; "but it must depend upon the circumstances." It must depend upon the digestion of the stipendiary magistrate, and the hon. and learned Gentleman must know that was so. A person accused of intimidation in Ireland was to be deprived of the protection afforded by trial by jury, but he was to be left at the mercy of the stipendiary magistrate. Under such circumstances, it was perfectly unreasonable to ask the Representatives of Ireland to abate their opposition to the clause, or to any portion of it, by one iota. What rights would the Government allow in Ireland; what would they permit to be said or done in Ireland? They had not defined their ideas in their Bill, and they had not defined them in their speeches. The Committee were in a state of blissful ignorance, and that ignorance would only be removed when a number of respectable men had been sent to prison for six months with hard labour. The position provided by the Bill was not one in which the Government ought to expect the Irish people to be placed; it was not one in which the Representatives of the Irish people ought to allow their constituents to be placed. He and his hon. Friends would have to contest the Bill at every step and at every stage. He could not but think that a desire on the part of the Government to promote the progress of Public Business, and to proceed with those measures of conciliation which had been foreshadowed, would induce the Government to accede to the request of the hon. Member for Kilkenny (Mr. P. Martin), which was that they should drop the tail of the clause, and consider what saving section they should add hereafter. If they would now omit the last paragraph of the clause, they would be able to consider the situation between this and Report, and make progress with their Bill. It would be perfectly within their power hereafter to introduce, if they desired to do so, such definitions as might seem suitable to the clause.

MR. DILLON said, it was very hard for the Irish Members to understand the way in which they had been met by the Government. Yesterday, and on several previous occasions, the Government stated, over and over again, that they were perfectly willing to let the term "intimidation" stand without any definition at all. ["No, no!"] The Government on the Opposition Benches did not say so, but the Government on the Treasury Benches distinctly said so. The Irish Members had always said they wanted a definition of intimidation; but, recognizing that they were not a majority, they were prepared to make a compromise. They wanted a definition; if they could, they would insist upon it. They had a perfect right to a definition, and the Members who sat opposite were committed to a definition, having voted for it, over and over again, on behalf of the English working men. He and his hon. Friends were aware of their weakness, and they were prepared to accept an open intimidation clause—that was, they were prepared to abandon their position in favour of an open clause, in the hope that the decisions of the English magistrates and the English County Court Judges would form some check upon the reckless proceedings of the Irish magistrates. While the Government were holding out to them that this was an open intimidation, they still stuck to what had been correctly described as the tail of the clause, which was a plain incentive to the magistrates to interpret the clause in a certain and given way. His hon. Friend the Member for the City of Cork (Mr. Parnell) had very properly said that the judgments under this clause would depend upon the digestion of the magistrates. The judgments would depend upon the wishes of the man who paid for the last bottle of champagne. It was well known where the magistrates of Ireland got good dinners; it was well known that the fate of many men was settled around the dinner-tables of landlords; it was well known what would be done with the magistrate who interpreted the law in a fair and honourable way—he would be "Boycotted," he would be deprived of his dinner, and of his bottle of champagne. He (Mr. Dillon) was stating what was a notorious fact in Ireland. He might state that, whereas in the English Act there was a clause stating that neither an employer of labour, nor his father, nor his son, should adjudicate as a magistrate upon a case in which he was personally interested, a clause providing that neither a landlord, nor his brother, nor his son, should sit on a case in which he was personally interested, was not likely to be introduced in this Act, because the effect of it would be to sweep away the entire Bench of stipendiary magistrates. He would like a Return to be laid before the House showing how many stipendiary magistrates who would have to administer this Act were either landlords, or brothers or sons of landlords. The Attorney General had just said that no injustice had resulted from the open Intimidation Clause in the Act of 1875. The hon. and learned Gentleman, however, forgot what he (Mr. Dillon) had pointed out frequently—namely, that when the Bill of 1875 was passing through the House, there was, practically, an assurance given that the interpretation of the clause in the Courts of Justice would be based upon the charge of the Recorder of London, and he believed the clause had been so interpreted. He was satisfied that if intimidation in England had been interpreted in any other spirit than in accordance with the Charge of the Recorder of London, there would have been a great outcry, and, long since, there would have been a measure introduced to adequately define intimidation, and thus protect the working man. He was so satisfied with the manner in which the English Act had been interpreted that he was willing, on behalf of the Irish Party, to accept an open intimidation clause as a compromise.]

Dr. COMMINS said, this was a strange sort of clause. If they looked at it on paper, they found it resembled a scorpion, for the sting of it was in the tail. He had previously explained the principles of the English law, and he had asked to have those principles extended to Ireland. In the request he was joined by his hon. Friends; but what was the result? They were denied the extension of the principles of the English law to Ireland almost with mockery. They were told, in the speeches which were made to defend this "scorpion tail" that the Government would not tell the people of Ireland what the law was; that they would not follow precedent; but that they would leave the interpretation of intimidation to the ignorant prejudices of the most interested and least trusted class in Ireland. Class legislation of the worst kind was being enacted in this Bill. He had tried to introduce Amendments founded upon the principles of the English law; he had tried to introduce a principle which would enable people to know what they might do and what they ought to avoid; he had tried to introduce a principle which was sought to be introduced in the English Act, but which was rejected because it was inconsistent with all ideas of English liberty; yet the people of Ireland would be glad of its introduction, because it would give them some rule of life. But he had on every occasion met with signal failure. This clause gave the people no idea of what was right and what was wrong. The Act of 1875 had been appealed to over and over again. The great principle of that Act was that every decision might be revised by a Superior Court—the Court of Queen's Bench. The accused, too, had the inestimable advantage of being tried by jury. He had to be tried upon indictment, and the indictment had to define the offence; it had to clearly lay down how the man had transgressed, and it had to be tried by a jury and before the Chairman of Quarter Sessions, or a Judge of the land. Moreover, when any question of law arose, a case might be reserved for the Court of Criminal Appeal, and the definition of the Judge might be heard on the point. In this instance, the accused could not appeal to the Judges of the land; he could not go to the Court of Queen's Bench; he could not appeal to an official interpretation of this nebulous and indefinite sort of crime. The man was to be left at the mercy of a magistrate, in whose hands this power was being placed to crush anyone who engaged in a political or social agitation. The Irish people were willing to accept the principle of the Act of 1875. Why did not the Government give it them? Would the Government refuse to give the people any guide as to their action? He challenged any of the Law Officers of the Crown to say there was a single thing in the practice of "Boycotting" which constituted a legal offence. He did not believe it was possible to cite a single instance in which "Boycotting" had amounted to a crime in the eye of the law.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, the subject was fully gone into when the hon. and learned Member was absent.

DR. COMMINS said, those who had heard the discussion would be able to form their own opinion; but he was confident that no such instance of absolute crime resulting from "Boycotting" could be cited. He maintained that this was an attempt on the part of the Government to establish anarchy and call it law. He was afraid the Government were determined, by this section, not so much to prevent crime and anarchy as to place a weapon in the hands of one class to use against another class. He warned them not to forget that the class they were trying to arm were only counted by thousands, whereas the other class were counted by millions, and never could be crushed by this or any other Government.

Question put.

The Committee *divided*:—Ayes 163; Noes 35: Majority 128.—(Div. List, No. 122.)

MR. HEALY said, he wished to move, in page 3, line 25, after "any," to insert "unlawful." He believed the Government would have no objection to the insertion of this word, because it was to be found in the English Act. He presumed, as a matter of fact, that the word had only been omitted from the Bill by mistake. He had simply copied it out of the English Act, and hoped the Government would have no objection to insert it in the Irish Act.

Amendment proposed, in page 3, line 25, after the word "any," to insert the word "unlawful."—(*Mr. Healy.*)

Question proposed, "That the word 'unlawful' be there inserted."

SIR WILLIAM HARCOURT said, he did not quite understand what part of the English Act the hon. Gentleman referred to. As far as he could see, the Amendment, if adopted, would make the clause read—

> "In this Act the expression 'intimidation' includes any unlawful word spoken or act done calculated to put any person in fear," &c.

and would really not have any sense in that part of the provision.

MR. HEALY said, he had not had time to refer to the English Act; but this part of the clause, as it stood, seemed to be absurd. It was—

> "In this Act the expression 'intimidation' includes any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

Supposing a man had infringed his patent, and he said to that man, "I will bring a lawsuit against you to restrain you and recover damages," that would be a "word spoken" calculated to put a person in fear of "injury to or loss of his property, business, or means of living." Therefore, as the thing stood, it was simply absurd. If a man owed him 5*s*., and he told him he would bring an action against him if he did not pay it, that would be a word spoken calculated to put the man in fear of injury to his property or means of living; and he (Mr. Healy), for speaking that word, would be liable to prosecution and imprisonment for six months with hard labour. Surely the Government saw the absurdity of that, and would have no hesitation in accepting this very small and legitimate Amendment.

MR. TREVELYAN said, the point could be argued very shortly. The hon. Member had referred to the English

Act of 1875, and that Act gave a very clear analogy, but not in the direction pointed out by the hon. Gentleman. Under this Bill, certain forms of molestation, which were not in themselves criminal, would be regarded as criminal. The English Act of 1875, in the same way, made certain acts criminal which were not in themselves criminal, such as persistently following a person about and hiding his tools. These acts were not criminal; but they were declared to be acts of intimidation. He would give an instance of a form of molestation, which, though not in itself criminal, must clearly be regarded as criminal in the Bill. One form of molestation not uncommon was that of leaving a man's gate open so that his cattle might stray away. Such an act would only be a civil trespass; but acts of that nature done persistently, in order to frighten a man and prevent him from paying his rent, should be included in criminal offences. If they accepted this word "unlawful," a great many of those acts which it was the intention of the Bill to render criminal offences would be lawful.

Mr. PARNELL said, this was too nice a distinction—it was a piece with the whole of this Bill. The right hon. Gentleman said that if a person left a gate open, that might be construed by the magistrate before whom he would be taken as an offence calculated to intimidate. If a man, in passing through a field, left a gate open, so that cattle could stray out, it might be held to be intimidation, if the owner of the field or the prosecutor chose to take that position. It was a monstrous thing to allow such a charge as this to be tried before the Court of First Instance, and yet this was a fair example of the kind of action that might be constituted into an offence under the Bill. It was a monstrous thing that a Liberal Government should exist, capable, by the mouth of its Chief Secretary to the Lord Lieutenant, of laying down such a doctrine as that the Committee had just listened to, and capable of striving to pass such an Act.

Mr. TREVELYAN said, it was almost unworthy of the hon. Member to press that matter. He (Mr. Trevelyan) had been arguing this case, not to score a point against the hon. Member for Wexford (Mr. Healy), but, as he had thought, for the purpose of carrying conviction to the minds of hon. Members opposite, in the minds of men who, as he had believed, had been following him closely. They must know that the words as they were in the clause formed an integral part of his argument, looking at the words which were precedent to them, "wrongfully and without legal authority."

Question put.

The Committee *divided*:—Ayes 32; Noes 192: Majority 160.—(Div. List, No. 123.)

Mr. REDMOND said, he wished to move, in page 3, lines 25 and 26, to leave out "word spoken or." His reason for moving this was because the sub-section, as it stood, left it entirely in the discretion of the tribunal as to what was to constitute an act done or word spoken calculated to intimidate. Were it not that this was left to the discretion he should not object to the words he proposed to strike out. Under the circumstances, considering the kind of tribunal that was to try, he was anxious, in every way that he could, to modify the sub-section. The position of the Irish Members with reference to the sub-section was perfectly clear. They desired, if they could, to have intimidation defined. If they could not get it defined as they desired to have it in the Bill, they wished to have the sub-section left out altogether; but, failing that, they were anxious, word by word, to modify the effect of the sub-section. He must say that before they went further, he trusted the Government would give them some intimation that they desired to meet the views of the Irish Members on both sides of the House, and the views also of some English Members. He would not unnecessarily take up the time of the Committee, but would content himself with moving the Amendment.

Amendment proposed, in page 3, lines 25 and 26, to leave out the words, "word spoken or."—(*Mr. Redmond.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

The ATTORNEY GENERAL (Sir Henry James) said, it was impossible to accept this Amendment, as its effect would be to remove from the operation of the measure words which might be spoken of an outrageous and violent kind. It would not be an offence against the Bill, if the Amendment were accepted, to tell a man that ruin and disaster would fall upon him; indeed, it would be hard to find that an offence had been committed unless a blow had been struck.

MR. T. D. SULLIVAN said, he did not think the omission of the words would be a bit more absurd than their inclusion in the Bill. Let them look at the words—

> "In this Act the expression 'intimidation' includes any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

He maintained that the leaving in of the words "word spoken" was just as absurd as the leaving out of them—rather more of the two, because what word was it that they could speak in reference to the trade or business or character of anyone that would not come within the scope of the measure? He thought that to retain the clause in its present shape was tantamount to putting into the Bill a clause of this sort—"Resolved," or "Be it enacted, That for every idle word a man shall speak he shall be accountable to an Irish magistrate." There was at present a movement going on in Ireland for the encouragement of Irish manufactures, and supposing he said, "I intend only to purchase Irish manufactures for the future," that would have the effect of, to some extent, injuring those shopkeepers in Dublin who retailed English goods. Every one of those shopkeepers, under this Bill, would have cause of action against him. Suppose he said that he should buy his next pair of trousers from a tailor who only dealt in Irish goods, the neighbour or rival of that man, it might be over the way, would have cause of action; and the more he promulgated the idea that it was better to deal with tradesmen who only sold Irish goods, either by writing or by word spoken, the more would he be an offender under the Act, and the more would he render himself liable to six months' imprisonment with hard labour. He maintained that the clause was unworkable and could not be carried out to its full extent. It might be carried out to some extent; but what was the use of passing a law which would be, and must be of necessity, trampled on by the Irish people?

MR. SYNAN said, that unless the "words spoken" really were for the purpose of intimidating it was absurd that they should remain in the clause. He apprehended that the Amendment moved by his hon. Friend was to ascertain whether the Government were going to amend the clause by stating that the words were to be spoken "with intent" to produce in a person—

> "Fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

The Government had intimated that they intended to amend the clause in some degree; and if they specified that the words must have been spoken with ill-intent there could be no objection to retaining that portion of the clause it was proposed to leave out; if, however, they did not specify that, they had no right to retain the words in the clause. He wished to know whether the Government intended to propose an Amendment to the effect that the words must be spoken with ill-intent?

SIR R. ASSHETON CROSS said, the Committee should not lose sight of the words of the clause, which were to the effect that every person who wrongfully and without legal authority used intimidation to oblige anyone to do that which he had a legal right to abstain from doing, or to abstain from doing that which he had a legal right to do, should be guilty of an offence under the Act, and, surely, he ought to be guilty of an offence under the Act.

MR. O'SHAUGHNESSY apprehended that from the point of view of the hon. Member who moved the Amendment, if the Government would define the words "wrongfully, and without legal authority," the words, as they were in the later part of the clause, might stand, but that, as the clause stood, any word spoken might be subject to punishment under the Act. He knew that some stress would be laid on the use of the word "wrongfully;" but that was anything but a technical word.

SIR WILLIAM HARCOURT said, he thought he had rendered all this clear before. He was almost ashamed of repeating to the Committee that he intended to accept the words to be proposed by his hon. and learned Friend the Member for Southwark (Mr. Cohen) —the words "in order to," so as to make it quite clear that the words must have been spoken with ill-intent. That had been repeated over and over again yesterday; still, it did not seem to produce any effect. He had always said that it was not intended in any of the clauses of this Bill to turn any act or word into an offence which was not committed or spoken in order to produce the effects set forth in the measure.

Mr. HEALY said, that, for his part, he was quite aware of the intention of the Home Secretary; but he did not believe it met the case in the slightest degree. Supposing the hon. Member for Carlisle (Sir Wilfrid Lawson) or his Friends went over to Ireland, and got up an agitation against public-houses, or in favour of the Permissive Bill, such agitation would have the effect of putting a person "in fear of any injury to or loss of his property, business, or means of living;" and the hon. Baronet, and those who acted with him, would be liable to prosecution and imprisonment for six months, with hard labour. The agitation which was going on in Ireland was an agitation for the reduction of rents, and the agitation the hon. Baronet was interested in was an agitation—indirectly, perhaps—for a reduction of the profits of the publican. In both cases, both the landlord and the publican were put in fear of a reduction of their means of living. Were they in Ireland to be deprived for the future of the power of agitating and speaking in favour of a reduction of rents in Ireland? Was it the intention of the right hon. and learned Gentleman to deprive the Irish people of this power? If he (Mr. Healy) got up at a meeting in Ireland and made a speech, saying that the rents of the landlords should be cut down 25 per cent, would that not be an act "calculated to put a person in fear" of "injury to or loss of his property, business, or means of living?" What he wanted to know was this—and he did not know what argument could be used against furnishing the information —whether the Government would make a distinct statement as to whether a man, agitating in future in the interests of the Irish tenants in favour of a reduction of rents, would not come under the powers of this measure? If not, would the right hon. and learned Gentleman say why not? He was a lawyer, and was in charge of the Bill, therefore it should not be very difficult for him to answer such a simple question. The man who was agitating for a reduction of rents might be perfectly legitimate in his arguments—the landlord might be a rack-renter. Why, the Sub-Commissioners would come under the Bill as it at present stood. By delivering an argument in favour of reduction of rent they clearly would be guilty of "a word spoken, or act done, calculated to put any person in fear" of "injury to or loss of his property, business, or means of living. He (Mr. Healy) only a few minutes ago had moved to insert the word "unlawful" before the words, "word spoken or act done;" but the Home Secretary would not accept the word, and had said it was absurd. The right hon and learned Gentleman might throw up his head in a majestic manner; but he (Mr. Healy) would, nevertheless, put it to the Committee, if an act was not an illegal act, why should it be prevented? Why should a Sub-Commissioner, for giving a judicial opinion in favour of a reduction of rent, be considered liable to punishment for having spoken a word, or performed an act, calculated to put a person in fear of injury to or loss of his means of living? What he wanted to get from the Government was something to show why all these cases which had been put by the Irish Members were not possible under the Bill. Perhaps the Home Secretary would oblige.

Mr. T. C. THOMPSON said, he agreed with the Amendment.

Mr. T. P. O'CONNOR said, the course the right hon. and learned Gentleman the Home Secretary was pursuing was most unusual. He was asked what would be the effect of the clause; but, instead of answering, he sat in silence on the Treasury Bench. He (Mr. T. P. O'Connor) knew his hon. Friend had given an additional argument to the Conservative Party in favour of the clause by saying that the Sub-Commissioners would come under it; but he would not pursue this question, as several Members beside him did not seem to stick by what his hon. Friend had said. Would the Home Secretary answer this question? Suppose he got up at a public meeting and said the rents of the neighbouring landlords were at least 25 or 30 per cent higher than they should be, and that they should come down, would he not, in the view of magistrates favourable to the landlords' interest, come under this clause, as having used words calculated to interfere with the livelihood of those landlords? [Sir WILLIAM HARCOURT dissented.] The right hon. and learned Gentleman shook his head; would he tell him why he (Mr. O'Connor) would not come under the clause?

SIR WILLIAM HARCOURT said, he should not have thought hon. Members would have accused him of having been too silent. He had not risen to answer the questions to which reference had been made, because he had not thought that they were seriously put—because he had thought they had been put ironically. To treat the matter seriously, he had no hesitation in saying that the clause would not interfere with a man for saying rents ought to be reduced 50 per cent; but it would not permit him to say that a man who paid a high rent ought to have nothing to eat.

MR. T. P. O'CONNOR said, the right hon. and learned Gentleman had, with characteristic skill, failed to meet the question. The question was, whether he, standing up and saying that a landlord was receiving 50 per cent more than he ought to get, and that if any tenant who paid the rent demanded was paying more than he ought to pay, would come under this Bill? In the opinion of the magistrates he might, by so doing, have been acting wrongfully, and without legal authority; in fact, in the opinion of many of the magistrates in Ireland, to endeavour to take 1 per cent off the rent of the landlord was a wrongful act.

MR. HEALY said, that, as the Government made no sign in the direction of answering his hon. Friend, he presumed his hon. Friend would go to a division. He (Mr. Healy) could promise for the hon. Member that, if the Government gave some explanation on the point before the Committee, he would withdraw his Amendment. A division would take 10 minutes, and a speech, even from the Home Secretary, would not occupy more than five minutes; so that it would be a saving of time for the right hon. and learned Gentleman to give an explanation. They had put it to him whether, if they got up at a meeting in Ireland and said that a man's rents should be reduced 25 per cent, they would not come under this Bill? The question was a plain one, and deserved a plain answer. The clause was so comprehensive that it would include every act that a man could do, and every word that a man could say in Ireland or anywhere else. Why did the Home Secretary sit silent? He presumed it was because he had no answer to give. The Government would not answer, because it was impossible for them to do it. There was nothing in the Bill to prevent a magistrate in Ireland from giving a man six months' imprisonment for advocating a reduction of rent. The very object of the Bill was to enable a magistrate to do that; and the Irish Party would take care to let the tenant farmers, not only of Munster, Leinster, and Connaught, but also of Ulster, know that this Bill had been brought in to put a stop to reasonable agitation.

Question put.

The Committee *divided:*—Ayes 208; Noes 29: Majority 179.—(Div. List, No. 124.)

MR. ARTHUR COHEN said, he wished to move the insertion of the words "in order to, and" to make the paragraph run in this way—

> "In this Act the expression 'intimidation' includes any word spoken or act done in order to, and calculated to, put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

He would only detain the Committee a few minutes in order to explain the meaning of the Amendment. If the Irish Members fully appreciated the effect of this Amendment, they would find a great many of their objections to the clause removed. Words not spoken intentionally to intimidate would be no offence under the Act, and these words that he was proposing were sufficient to solve substantially the difficult question of exclusive dealing. If exclusive dealing were carried on with the intention of intimidating, it was clear it ought to be an offence; but, on the other hand, if it were carried on without that intention, then, if his Amendment were adopted, such innocent exclusive dealing would be no offence. If he was not mistaken, almost all the objections that had been raised would be met by this Amendment; and he ventured to submit, with very great confidence, that if any person, with intent to intimidate, did any act which was calculated to put any person—and that, of course, meant any reasonable person—in fear of injury or of damage, that person ought, according to the soundest maxims of law, to be deemed guilty of an offence. That, he had no doubt, in the mind of any lawyer, would be the true effect, and was certainly the real object of this clause.

Amendment proposed, in page 3, line 26, after the word "done," to insert the words "in order to, and."—(*Mr. Arthur Cohen.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, he could only say that the Government were very glad to accept these words to make it quite clear that an act without the intent to put a person in fear should not be an offence.

Mr. T. D. SULLIVAN asked whether the hon. and learned Member would accept the words "intended to" in place of "in order to?"

Mr. ARTHUR COHEN said, he saw no objection to the proposed alteration.

Sir WILLIAM HARCOURT said, he did not object to the alteration.

Mr. HEALY asked whether the hon. and learned Member for Southwark (Mr. Cohen) would have any objection to move these words?

Mr. ARTHUR COHEN said, he would move the words proposed, if it were in Order, and if the Irish Members preferred them. For his own part, he had a preference for his own words, believing that they would appeal more strongly to the mind of a lawyer. He was glad the Amendment, whichever form it might take, would have the approval of the right hon. and learned Gentleman the Home Secretary. If the Irish Members would trust him, he was sure they would find the words "in order to" more calculated to carry out their object than those proposed by the hon. Member (Mr. Sullivan).

Mr. GIBSON said, no one could deny that the Amendment of the hon. and learned Gentleman the Member for Southwark—for whose opinion he had much respect—was a very important Amendment. It would require the tribunal before which a man was brought to trial for an offence under the Bill to come to a conclusion as to the intent with which an act was done; and, of course, that was a very grave change to make in the clause. ["No, no!"] There could be no doubt that it was. The words originally presented in the clause were framed with a view of dealing with the very serious and sometimes very terrible generality of "Boycotting" that it was so hard to reach. He did not wish to appear—notwithstanding what had fallen from hon. Gentlemen below the Gangway on that (the Conservative) side—as a person who refused to accept Amendments if he thought they were reasonable; and if, on consideration, he was satisfied that it would not seriously interfere with the legitimate examination of the offence of "Boycotting," he would not question the matter further.

Mr. MARUM said, he and his hon. Friends would be satisfied to accept the Amendment "with an intent," and then the clause would read "the expression 'intimidation' includes any word spoken, or act done, which puts any person in fear," &c.

Question put, and *agreed to.*

Mr. HEALY next proposed, in page 3, line 26, to substitute the word "the" for the word "any," and said he wished to have it quite clear that there must be some person intimidated. He did not think the Government could object to this Amendment. He did not care whether the article was "a" or "the;" but it ought to be made clear that there was some person intimidated. Upon that point the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), forgetful of what he said in 1875, had made an important omission. The right hon. Gentleman said in 1875 that if a person was obliged to give evidence, that would only make the intimidation stronger and prevent his giving evidence. Speaking on the 16th of July, 1875, when he was in Opposition, the right hon. Gentleman said the prosecution should be left to the man who was threatened, and that a third party ought not to be brought in. This was a second instance of the divergence of view of hon.

Gentlemen opposite—first by the Attorney General, and now by the right hon. Gentleman the Member for Bradford—between the position they took up now, when in power, and in 1875, when in Opposition. In 1875 the Attorney General argued that "intimidation" was a vague word, and ought to defined, and in 1875 the late Chief Secretary for Ireland held that a third party ought not to be brought in. Now, both these Gentlemen had changed their views; but, apart from that, he thought there could be no objection on the part of the Government to insert the definite article, whether "a" or "the." He would propose to insert "a," and not "the," instead of "any."

Amendment proposed, in page 3, line 26, to leave out the word "any," and insert "a."—(*Mr. Healy.*)

Question proposed, "That the word 'any' stand part of the Clause."

SIR WILLIAM HARCOURT said, he could not quite understand the distinction drawn by the hon. Member. He could understand "the," referring to some particular person; but "a" seemed to him not quite good grammar in place of "any."

MR. HEALY said, the reason why he moved this Amendment was that at the present moment all the clause provided was that words or acts were calculated to put some substantive person in fear and trembling. He would agree to propose the substitution of "the;" but he had agreed to propose "a" at the suggestion of the Chairman. Certainly "the" was his word, and, if the Government would accept that, he should be happy to propose it, because it would refer to some definite person who was intimidated. It might be argued from any speech that somebody might, perhaps, have been intimidated; but if the word "the" was inserted there would be some particular person.

MR. O'DONNELL said, he thought it would be better to add the word "particular" to "any," in order that it might be shown that some particular person had been intimidated, and that would throw on the prosecution the necessity of proving that some particular person had been intimidated. The clause, as it stood, threw no such necessity on the prosecution; but he thought the prosecution ought to be bound to show that some person or persons were intimidated, or were intended to be intimidated, by words spoken or actions done. The Government had accepted the Amendment of the hon. and learned Member for Southwark (Mr. Cohen) to insert "in order to" put some particular person in fear of injury or danger. That Amendment ought now to be supplemented in the way he had suggested. He did not think that the substitution of the word "the" for the word "any" would meet the objection of his hon. Friend; and if "any" was retained, he should move to insert "particular" after "any," and before "person." Perhaps the Government would state their intention at once on the matter, for if they would accept the words "any particular" no further discussion would be necessary.

MR. HORACE DAVEY said, he hoped the Government would not give way to this Amendment. He was not sure the Committee fully appreciated what was meant by it. If the clause was read as meaning intimidation to put some particular person in fear, then, in order to constitute an offence under the Act, it would be necessary to show some person who was intimidated. Suppose a notice was put up on a chapel door, or in some other conspicuous place, that any person who took a farm from which someone else had been evicted should be "Boycotted," that would be addressed to all the world, and would be an offence under the Act. But if the Committee acceded to this Amendment, and confined the clause to words spoken to some particular person, that action would not be an offence, because it would be impossible to prove that words spoken in that way were calculated to intimidate any particular person.

MR. HEALY said, he would not press the proposal to a division, and would withdraw the Amendment.

Amendment, by leave, *withdrawn.*

MR. HEALY proposed to insert, in line 26, after the word "any," the words "firm and courageous." He stated that Sir James FitzJames Stephen, in defining the character of "intimidation," had said "intimidation" must be with the intent to carry out any common purpose, lawful or unlawful, in such a way as to give firm and courageous persons reasonable apprehension of a breach of the peace. He (Mr. Healy) held that intimidation should be of such a character that ordinarily firm persons would be put in fear by it. Upon the Act of 1875 the Attorney General was anxious lest any person should be sentenced to three months' imprisonment for such intimidation as making faces at a workman's child; and, seeing that the hon. and learned Gentleman's acumen then was directed to the prevention of intimidation, he did not now see why the person to be intimidated should not be a person of ordinarily firm and courageous character.

Amendment proposed, in page 3, line 26, after the word "any," to insert the words "firm and courageous."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL (Sir Henry James) said, the hon. Gentleman's argument was that no person should be convicted unless he was firm and courageous. But how could they ascertain a person's firmness?

Question put, and *negatived.*

Mr. O'DONNELL said, he really wished to limit this vague definition; and, therefore, he proposed, after the word "person," to insert the words, "to whom or with reference to whom such word is spoken or act done." That would give something tangible to go upon, and would tend to narrow down the accusation.

Amendment proposed,

> In page 3, line 26, after the word "person," to insert the words "to whom or with reference to whom such word is spoken or act done."—(*Mr. O'Donnell.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT observed that, according to the Amendment, the person to whom the words were spoken, or with reference to whom the act was done, was to be the person intimidated; but it was plain that if the intimidation was only to be against the person to whom the words were spoken, any man who told another man's wife that he was going to shoot her husband could not be accused of intimidation. The Committee had already decided whether or not the person intimidated was only to be the person against whom the act was actually done, and it was plain in Sub-section (*d*) that if a man who had paid his rent was intimidated in order to intimidate all the other people who had paid their rent the offence would be very much limited. That had been decided over and over again, and he hoped the Amendment would not be pressed.

Question put, and *negatived.*

Mr. DILLON said, the Amendment he was about to propose was not of a very serious kind, and he hoped the Government would accept it. It was in page 3, line 28, to leave out the words "or in fear of any injury to or loss of his property." It must be apparent to the Committee that this was an important Amendment, though, of course, it would be argued that it was too important to be accepted. But what would be the result of leaving these words in the sub-section? It would amount to saying that no labourer should have a right to leave his employment, except at the risk of six months' imprisonment, for doing what might cause some injury to the employer. It might be said that the magistrate would interpret the law in a liberal spirit; and with regard to the circumstances of the case, too, was it just or reasonable to place in the hands of the magistrates a law which left every labouring man in such a position that he could not leave his employment without the risk of imprisonment? Any employer might be able to say that if a workman left his employment, particularly if he was a good workman, no matter what the motive was, he was put in fear of injury to, or loss of, his property. There were a variety of employments in which this would be the case. Suppose the case of a driver of a horse, which was accustomed to him. If that man left the employment, and a strange driver was introduced, the horse might not work so well, and the master might be able to say that he was in fear of loss through that circumstance. It might be said, of course, that magistrates would act in a reasonable way, and would not press or strain the law, unless in cases for which this clause was specially drawn; but at the Cork Assizes a case had occurred which made a profound impression upon him, and influenced his view as to the manner in which the Act might be used. A respectable and well-known man, with a large family, was put on trial on a charge of having formed one of a small crowd who had thrown stones at an old man who was unpopular. The old man was only slightly injured, and recovered in a few weeks; but the accused man was convicted, although it was not sworn that he had been seen throwing stones, but only that he had been seen coming away from the crowd. He was convicted because he was known to be a prominent Land Leaguer, and was sentenced to five years' penal servitude, which he was now undergoing in Spike Island. In looking over the list of sentences at the Assizes he saw not only this case, but he saw a case in which a soldier was convicted of an indecent assault. He was only sentenced to six months' imprisonment with hard labour. The learned Judge who passed that sentence of five years' penal servitude, and who had since been elevated to the House of Lords, stated that if the neighbourhood quieted down he would exercise his influence with the Castle authorities to get the sentence reduced, and that showed that the Bench had been turned into a political weapon. This clause would be strained against any man who was known to be a Land Leaguer; and if any man left his employment, or took part in a labour combination, and the fact that he was a member of such combination was stated to the magistrate, that would be sufficient to convince the magistrate that the man had left his employment in pursuance of a conspiracy to injure his employer. The clause would make every man in Ireland a slave to his employer, and would deny him the right to leave his employment, unless it happened that the magistrate of the particular district was generous, impartial, and just.

Amendment proposed,

In page 3, line 28, to leave out the words "or in fear of injury to or loss of his property."—(*Mr. Dillon.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR WILLIAM HARCOURT said, no magistrate or Judge would so interpret this clause as to prevent a man leaving his employment merely because he desired to do so. If it was assumed that a magistrate or Judge would unrighteously pronounce sentences under a law which had no application to the case, it did not matter what the law was; but if it was assumed that this clause would be applied to a man, not for leaving his employment, and not for any unlawful object, the man could not possibly be brought within the Act. But if the Amendment was accepted, a man might threaten to maim cattle, or burn a house and injure property or individuals; and, therefore, he could not assent to the Amendment.

MR. HEALY said, he understood from the right hon. and learned Gentleman that the magistrates had a clear view of the law; but although the Committee had been talking about this Bill for a week past, they had not been able to get a clear view of the law, and he did not believe anybody had, except the right hon. and learned Gentleman himself. He did not think the magistrates in Ireland were likely to be more enlightened than tolerably intelligent Gentlemen in that House. With regard to the question of strikes, there had been strikes by farm labourers in England which had inflicted injury on the farmers. Were similar proceedings in Ireland to be declared unlawful? He understood the Home Secretary to say that in some cases they would be unlawful. Was that the right hon. and learned Gentleman's view? In his opinion, no clause ought to be so wide as would say that an act committed at one time would be lawful, and if committed at another time would be unlawful. If the Home Secretary would show what check there would be upon the magistrates in administering this law, the Irish Members would meet him; but the right hon. and learned Gentleman was unable to show anything but something which might be in the mind of the magistrate. If men struck against a farmer or landlord, what guarantee was there that they would not be interfered with under this law? The Committee were entitled to know what strike would be permissible and what would not; at present they were completely in the dark on the point.

MR. DILLON said, he had entertained the hope that the Government would accept the Amendment. He could not understand how a magistrate could help arriving at the conclusion he (Mr. Dillon) had suggested to the Committee. The words of the clause were—

> "Any word spoken or act done calculated to put any person in fear of any injury or danger to himself," &c., with a view "to cause any person or persons either to do any act which such person or persons has or have a legal right to abstain from doing," &c.

What was a strike? It was a combined act of workmen, done with a view to compel an employer to give an increase of wages, although an employer had a right to abstain from giving any increase of wages. It was a well-known fact that many men in England were absolutely ruined by strikes. In Ireland nothing was to be done to cause a person to do anything he had a legal right to abstain from doing; therefore, was it not as clear as noonday that a strike of labourers would be illegal, and would subject the men to six months' imprisonment with hard labour? Any employer of labour in Ireland would, after the passing of the Act, be in a position to cause the imprisonment of any of his workmen who struck work.

Mr. MARUM said, he and his hon. Friends were apprehensive that the words "wrongfully and without legal authority" would not be sufficient to save the action of the Trades' Union Act in Ireland without some distinct proviso in reference to that country. Whether the words he had quoted were sufficient for the purpose or not, they did not even appear in the 6th clause, which related specially to combinations.

The SOLICITOR GENERAL for IRELAND (Mr. Porter) said, the Amendment was very clearly open to several objections. So far as it was an Amendment on a matter of substance, it fell within the decision which had been arrived at upon the Amendment proposed some time ago by the hon. and learned Member for Dundalk (Mr. C. Russell). The present proposal was to exclude from the clause the consideration of any intimidation arising from fear or from injury to or loss of property. As had been pointed out by the Home Secretary, an Amendment of that character was absolutely untenable. The Amendment did not meet the difficulty which had been pointed out by hon. Members who had just spoken. The question of combination did not arise in the Amendment at all. The clause would only prevent intimidation by means of threats or fear of injury to property, which was resorted to with the view of inducing people to alter their conduct. If there was any reasonable apprehension that legitimate combinations would be prohibited, it would become necessary to preserve the provisions of the Act of 1875 with respect to Ireland.

Mr. O'DONNELL asked if they were to understand from the declarations of the hon. and learned Gentleman the Solicitor General for Ireland that the Government were prepared to say that all the forms of combinations which were permissible under the Act of 1875 should be allowed in Ireland?

Sir WILLIAM HARCOURT said, the Government proposed that nothing in this Act should be taken in any way to affect or diminish the operations of the Act of 1875—that was to say, that this Act should not be interpreted as affecting or limiting in any way what had been authorized and permitted by the Act of 1875.

Question put.

The Committee *divided:*—Ayes 173; Noes 25: Majority 148.—(Div. List, No. 125.)

Mr. DILLON said, they had now reached a stage of the discussion at which he had to propose that the tail of the clause should be cut off. The last words of the clause were—

> "In this Act the expression 'intimidation' includes any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living;"

and the words he wished to be omitted were "business, or means of living." This was really the worst part of the worst clause of the Bill. This definition might put a man in perpetual danger. Under these words, as was pointed out on the second reading, if a man objected to the cut of his coat he would commit an offence; if a man objected to the quality of any goods supplied to him, he would commit an offence. If a man, when conversing with another, were to say—"So-and-so is behaving very badly," he could, under this clause, be held to be guilty of an offence. If a certain solicitor had busied himself very much in behalf of any movement, and he (Mr. Dillon) were to say, "Mr. So-and-So has acted very badly," the gentleman might go straightway to a magistrate and say, "Mr. Dillon has been using certain words calculated to injure me in my business." He (Mr. Dillon) would then be had up and imprisoned. These latter words of the clause would really make it impossible for anyone to speak at all in Ireland with any sense of security. The Irish Representatives knew perfectly well that this Act would be administered in the grossest possible way. He might mention a notorious case which any hon. Gentleman who was acquainted with Ireland would probably remember. A certain trader or dealer in Sackville Street made some remarks with reference to the proceedings of the Irish landlords. The gentleman was a very well-known Orangeman and a leading Tory, and the day after he had made his criticisms of the actions of Irish landlords a circular was issued calling upon landlords to withdraw their custom from the man's shop, at which they had previously largely dealt. It was stated—but he very much doubted the truth of the statement—that this clause would be used with a spirit of even-handed justice against landlords who put men in fear of injury, or loss of business, or the means of living. Lord Sherbrooke had said this was a law which ought to be strictly defined, so that there should be no mistaking its meaning; it was a law affecting rich and poor, and therefore there ought to be the clearest definition. It was clear, from whatever point of view they regarded the words he proposed to omit, that the law would not be administered between rich and poor alike. "Boycotting" was exercised by no class so much as by the educated class; yet no one would contend for a moment that it was proposed to put this law in force against them. He had an Amendment on the Paper bearing on the subject; he hoped he would be able to put it to the Committee. If the Government would accept the present Amendment, of course he would withdraw his subsequent one, which was to insert, in page 3, line 29, after "living"—

> "Provided always, That nothing in this Clause shall be taken to apply to—
>
> (a.) The right of physicians to refuse to meet in consultation, and otherwise to cause injury to the business and means of living of any member of their profession, who shall attend a patient for the sum of five shillings or less;
>
> (b.) Or to the ancient and well-known system of Boycotting, by which the members of the Irish Bar have from time immemorial enforced an unwritten law to the following effect:—
>
> (1.) That no barrister shall enter a circuit town before his circuit, lest he might canvas solicitors for briefs;
>
> (2.) That no barrister shall use any public advertisement for the purpose of bringing his merits under the notice of the public," &c. &c.

He defied anyone to deny that the unwritten laws referred to in his Amendment were not enforced on the members of the Irish Bar in a way as to be a perfect terror of an Irish barrister. He had heard of Irish barristers being ruined by being socially ostracized, because they had broken one of the unwritten laws of their Profession. Why should the Irish barristers and doctors have a right which was denied to Irish farmers and labourers? If the Government would proceed to break down the system of combination amongst barristers and amongst doctors, and inflicted six months' hard labour upon a barrister or a doctor who "Boycotted" one of his brethren, because he dared to break one of the unwritten laws of the Profession; if the Government would undertake to deal out even-handed justice to rich and poor alike, he would willingly withdraw his Amendment. It was because he knew this law was directed against the poor, and not against the rich, that he now proposed this Amendment.

Amendment proposed, in page 3, line 29, to leave out the words "business or means of living."—(*Mr. Dillon.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR WILLIAM HARCOURT said, the hon. Member said this was the tail of the Bill, and, no doubt, it was; but the tail very often carried the sting. The words it was proposed to strike out were the words which most nearly touched the practice of "Boycotting," and they must naturally be so regarded by hon. Members opposite. It was quite plain that if they struck out these words it would not be an offence to intimidate a man, and prevent him from doing what he had a legal right to do, by putting him in fear of injury to, or loss of, his property, or means of living. The whole object of the Bill was to prevent intimidation of that kind, and it was evident that if they accepted the Amendment they would fail in their endeavours to put an end to "Boycotting." With reference to the old stories about the Medical Profession and the Legal Profession, the arguments by which they were accompanied were by no means new. They had always been used in all the old Trades' Union discussions—discussions on these subjects had never taken place without these worn-out illustrations being brought up. Arguments of this kind ought not to have weight, or to prevent the Committee from dealing with the particular evil which they knew existed in "Boycotting."

Question put, and *agreed to.*

MR. LEAMY said, he had challenged a division on the last Amendment; but the Chairman, it seemed, had not heard him. He begged now to move that Progress be reported.

THE CHAIRMAN called upon Dr. Commins.

MR. HORACE DAVEY said, the Amendment he had put down on the Paper had already been the subject of a discussion in course of the consideration of the other Amendments to the clause. It would not be necessary for him to make a long statement on the subject, because, in the course of the observations he had made in speaking to the Amendment of the hon. and learned Member for the Tower Hamlets (Mr. Bryce), he had foreshadowed this Amendment. His proposal recognized the fact that it was intended to put down "Boycotting" as an offence against which the clause was directed. It was not intended to let hon. Members argue on the assumption that it was in any way proposed to exempt "Boycotting" from the Bill——

DR. COMMINS rose to a point of Order. He said he had an Amendment on the Paper preceding that of the hon. and learned Member (Mr. Horace Davey).

THE CHAIRMAN: The hon. and learned Member was called on, but did not answer.

MR. HORACE DAVEY said, the object of his Amendment was this. It had been pointed out that Clause 4, as it stood, called for explanation, and was framed in such a way that it would not do what it was the object and intention of the Government to do. He now sought to frame the clause in such a manner as to make it accord with the intention of the Government—that was to say, to make it provide that that should not be an offence which the Government did not desire to make an offence, and to allay the fears that had been expressed and felt that the language of the clause was such that under the Act things might be converted into offences, which it was never intended to be made offences. Illustrations had been given of that, and it was not, perhaps, necessary to renew them; but this would show what he meant. Suppose an association of ladies was formed to "Boycott" linen-drapers who did not provide proper seats for their work-people, they would come under the clause as guilty of—

"Word spoken or act done intended to and calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

The formation of the association would certainly have been for the purpose of compelling the shopkeepers to do that which they had a legal right to refuse to do. Where they were defining an offence it was important that they should define it in such language as would accurately express what they meant; and he ventured to think that the principal objection would be removed if they adopted the Amendment he had on the Paper. The words were these—

"Provided, That the refusal by any person to deal with another in the way of trade, business, or employment of either, shall not of itself be deemed to be intimidation."

What he intended to express by that was, that the mere fact of saying, "I will not deal with you," or "I will not supply you with goods," was not in itself an intimidation—that was to say, that that act, being a lawful thing, should not be punished; but that the circumstances under which it was done, or the circumstances under which the words were spoken, should constitute the intimidation. As he had ventured to say on another occasion, it was the circumstances, and not the act itself, which constituted the offence; and in this Proviso he had attempted—whether successfully or not the Committee would say—to embody that idea. The hon. and learned Member for Lincoln (Mr.

Hinde Palmer) had an Amendment to his Amendment, which proposed to insert, after the word "person," the words "individually, and not collectively, or in combination with others." The Amendment, as amended, would read in this way—

"Provided, That the refusal by any person individually, and not collectively, or in combination with others, to deal with another in the way of the trade, business, or employment of either, shall not of itself be deemed to be intimidation."

With the permission of the Committee, he proposed to adopt the Amendment of the hon. and learned Member for Lincoln; and, if it was in Order, he would move his Amendment as amended. He believed there was no technical difficulty in the way of the acceptance of this proposal. He was bound to say that the words suggested by the hon. and learned Member for Lincoln were an improvement, because he believed—and he had no doubt that his hon. Friends who had assisted him in framing his Amendment would agree with him—that a combination to do an act which was in itself lawful, must bear a totally different complexion to the same act when done by a single individual.

Amendment proposed,

In page 3, line 29, after "living," insert "Provided, That the refusal by any person, individually, and not collectively, or in combination with others, to deal with another in the way of the trade, business, or employment of either shall not of itself be deemed to be intimidation." —(*Mr. Horace Davey.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the very fact of his hon. and learned Friend proposing the Amendment would secure the attention of the Committee. From the manner in which it was worded, a great many Members, at first sight, might consider that it was consistent with the Bill. But if it was considered carefully, it would be seen that those who had supported the first part of the clause must also support the latter part as it stood. The proposal was that it should not be intimidation on the part of one person to refuse to deal with another in the way of "trade, business, or employment." What did the hon. and learned Member mean by that? Did he mean that the mere fact of a person saying "I will not deal with you" should not be an offence? If he meant that, then the Government meant that too. Of course, it was legitimate for a man to say—"I will not deal with you; you have no stock-in-trade, and I fear you will not pay me." That would not be an offence under the clause as it stood. If they properly translated the words "shall not of itself be deemed to be," in the Amendment, it would mean such a thing should not be an offence unless it came within the section. They could not say that unless a thing came within the section it should not be an offence, which was the effect of the Amendment. The Government had said that it was the intimidation *plus* the act which made the act intimidation; whereas the hon. and learned Member said it was the act *minus* the intimidation which constituted the offence. The Amendment merely said that unless the act came within the section it should not come within the section. The hon. and learned Member would excuse him if he said that the acceptance of the Amendment would not only render the clause ridiculous, but the Committee ridiculous also. ["No, no!"] Well, the point was one he would not discuss. He hoped his hon. and learned Friend would not press the Amendment.

MR. MARUM said, that, with all respect to the hon. and learned Gentleman who had just spoken, he did not agree with him. They were not to suppose that in the Court the magistrate would possess that amount of observation and clearness of mind possessed by the Attorney General. It might be that the words might safely be omitted; but, at the same time, it might be necessary that in a Court of this description the words should appear so that it should be clear that where refusal to deal with a person occurred, it should not be conclusive of intimidation, but an element for consideration in the matter. It was said that without the Amendment the Court would take the matter into consideration; but that was assuming that the Court would have the same dispassionate judgment and the same judicial mind as the hon. and learned Gentleman opposite. He wished to have an announcement of this kind in the Bill, so that, where necessary, it could be placed before the minds of persons in a judicial capacity, who might not take that technical view of the matter that a man of trained mind would take. The intention was that a mere refusal to deal should not be regarded as a proof of the offence. This was not a Combination Clause. The 6th clause was the Combination Clause, so that it would appear that it was not necessary to add the words "individually, and not collectively, or in combination with others," in this part of the Bill. It would be inconsistent to put these words in that part of the Bill which dealt with individual acts, and not acts of combination. The Amendment, he thought, was necessary for the sort of Courts they might have to deal with.

Mr. HEALY said, he wished to call the attention of the Chairman to a point of Order. He should very much have preferred the hon. and learned Member (Mr. Horace Davey) to have moved the Amendment without the addition of the hon. and learned Member for Lincoln (Mr. Hinde Palmer). As he (Mr. Healy) had an Amendment on the Paper, which, unfortunately, he had not been in his place to move, and as the Amendment of the hon. and learned Member for Christchurch was of very little use as amended, he wished to know whether, if on Monday he put down his Amendment, he should be in Order in moving it? On Monday the Prime Minister would be in his place, and they would be able to hear his opinion of exclusive dealing. His Amendment said—

> "Provided, That no refusal by any person to deal with another in the way of the trade, business, or employment of either; and no declaration of intention not to so deal, and no resort to the practice of what is commonly known as exclusive dealing, shall of itself be deemed to be intimidation."

Supposing they allowed the discussion on the present Amendment to drop, should he be in Order in moving the Amendment that had been passed over?

The CHAIRMAN: If the Amendment of the hon. and learned Member is withdrawn, no doubt the hon. Member could go back to the words in the Bill following those last discussed and decided, and anyone can propose an Amendment. I should not like to say whether the Amendment of the hon. Member for Wexford (Mr. Healy) could be moved until I have looked at it a little more, because it seems to me at present that if the Amendment we are now upon is negatived, the principle of the Amendment of the hon. Member for Wexford will have been decided. I should, however, like to consider the point.

Mr. HEALY said, there seemed to be some doubt on the question, and as this matter would lead to an important debate involving the whole question of "Boycotting," he thought it would be as well that they should now report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Healy.*)

Sir WILLIAM HARCOURT said, he would appeal to the hon. Member to allow them to dispose of the Amendment before them.

Mr. HEALY said, he should have no objection if he could afterwards bring on his Amendment.

The CHAIRMAN: The Proviso the hon. Member (Mr. Healy) proposes to move is substantially the same as that before the Committee. Any Proviso that is substantially different can, of course, be moved if the clause is not put. I trust that under the circumstances the hon. Member will allow this Amendment to be disposed of.

Mr. HEALY said, he did not object to withdraw the Motion if he had a ruling from the Chairman that his Amendment could be put on Monday. The subject under discussion, however, was one which should be discussed in daylight. Exclusive dealing was at the bottom of it, and that was a matter on which a good deal turned. If the Chairman informed him that he could move his Amendment on Monday he would withdraw his Motion.

The CHAIRMAN: The first part of the Amendment of the hon. Member for Wexford is contained in the Amendment for the hon. and learned Member for Christchurch; therefore, unless that were omitted the Amendment could not be moved. The latter part of the Proviso, however, could be moved.

Mr. T. P. O'CONNOR said, that, if he understood the right hon. and learned Gentleman the Home Secretary, he intended to bring in a clause that would preserve to Irish tenants the right of combination preserved to English working men by the Act of 1875. He (Mr. O'Connor) would observe, then, that the whole question of combination—including such combination as was dealt with in the Amendment of the hon. and learned Member for Christchurch — would have to be considered on the Saving Clause of the right hon. and learned Gentleman. He would suggest that they should approach the consideration of this Saving Clause with a Committee unpledged as to the whole question.

SIR WILLIAM HARCOURT said, the hon. Member must have misunderstood him. What he had said was, that he would save the Act of 1875, so that it would not be in any way overriden by this Bill. The clause he would introduce would be the ordinary Saving Clause —"Nothing in this Act shall contravene anything in the Act of," &c.

MR. T. P. O'CONNOR said, he had evidently misunderstood the right hon. and learned Gentleman, and they were not in as good a position as he had thought they were. What the right hon. and learned Gentleman had said just now only confirmed the reasonableness of the demand of the Irish Members—namely, that the question should be left open until they were able to discuss it as a whole. The difficulty they were under was plain. The hon. and learned Member for Christchurch (Mr. Horace Davey) wished to discuss an Amendment, the hon. Member for Wexford wanted to propose one, and other hon. Members might wish to do the same, all these Amendments dealing with the question, a portion of which only was raised by the Amendment now before the Committee. Was it fair, then, to ask the Committee, at half-past 1 in the morning, to pledge itself beforehand by a division on a matter which was to be fully discussed at another Sitting?

SIR WILLIAM HARCOURT said, as he understood the matter, the hon. Member for Wexford (Mr. Healy) wished to raise a larger question than was raised by the hon. and learned Member for Christchurch (Mr. Horace Davey). If that was so, clearly he would be entitled to raise the question on Monday, if it was not the identical question to that before the Committee. Hon. Members opposite, unless he (Sir William Harcourt) was mistaken, said the Amendment of the hon. and learned Member for Christchurch did not meet their views, therefore the Committee should be allowed to dispose of that Amendment. When that Amendment was disposed of they could then bring forward Amendments that would meet their views.

MR. O'DONNELL said, it would facilitate matters very much if it were ruled that the hon. Member for Wexford could bring in his Amendment, even though the Amendment of the hon. and learned Member for Christchurch were disposed of that evening. He would point out that the Amendment of the hon. and learned Member for Christchurch was not merely that hon. and learned Gentleman's Amendment as it stood, but his Amendment coupled with that of another hon. Member. It would be seen, then, that these two Amendments, taken together, were very different indeed—the Amendment of the hon. Member for Wexford and that before the Committee. The Chairman could, without difficulty, rule that the Amendment of the hon. Member for Wexford was substantially different to that of the hon. and learned Member for Christchurch.

THE CHAIRMAN: It is not a question of my ruling, but of the decision of the Committee. If the Committee should decide that—

> "The refusal by any person to deal with another in the way of the trade, business, or employment of either, shall not of itself be deemed to be intimidation,"

the hon. Member could not afterwards move that—

> "No refusal by any person to deal with another in the way of the trade, business, or employment of either," &c., "shall of itself be deemed to be intimidation."

MR. HORACE DAVEY said, he thought there was some justice in the remarks of the hon. Member for Wexford (Mr. Healy) as to the way in which he (Mr. Horace Davey) had moved this Amendment; and although he might not be prepared to support the Amendment of the hon. Member for Wexford, he thought he ought not to stand in the way of the hon. Member having an opportunity of proposing the Amendment. He, perhaps, might have misled the hon. Member for Wexford by adopting the Amendment of the hon. and learned Member for Lincoln (Mr. Hinde Palmer);

and, as the last thing he desired was to give the slightest ground for saying that he had misled any hon. Member, he would withdraw his Amendment.

Motion, "That the Chairman do report Progress, and ask leave to sit again," by leave, *withdrawn.*

Amendment, by leave, *withdrawn.*

Amendment proposed,

At the end of the Clause, to add the words "Provided, That no refusal by any person to deal with another in the way of the trade, business, or employment of either; and no declaration of intention not so to deal, and no resort to the practice of what is commonly known as exclusive dealing, shall of itself be deemed to be intimidation."—(*Mr. Healy.*)

Question proposed, "That those words be there added."

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."

Mr. GOSCHEN said, before the Committee reported Progress, he wished to submit a few observations to the Committee and to the Government with regard to the position in which the Committee found itself. His observations did not refer to the last three or four hours of the debate in Committee, but to the general course of the Bill since the House went into Committee upon it. The Committee entered upon this particular clause on Tuesday last; they debated it on Wednesday; they debated it again on Thursday; they had debated it again to-day; and it was not yet concluded. He did not at all deny the gravity and great importance of this clause, and he did not wish to cast reflections on any single Member with regard to the course he had adopted respecting any of the Amendments; but he thought any Member who had been present throughout these debates would admit that there had been a constant repetition of the same arguments; that issues almost identical had been submitted to the Committee several times; and that, although a majority had decided upon certain principles connected with this clause, nevertheless the case against the clause had been put into a different form and again submitted to the Committee. As fast as Amendments were disposed of further Amendments crowded the Notice Paper; and he thought the time had come when the Committee should consider what action should be taken with a view to progress in this matter. If it had taken all this time to deal with Clauses 1, 2 and 3, and part of Clause 4, he put it to the Committee to consider when they were likely to arrive at the end of this Bill? Meanwhile, he asked the Committee what was going on in Ireland? Hon. Members opposite, and some hon. Members on this (the Liberal) side of the House, wished to stop evictions; and they were aware that the Government was making an endeavour, in the Arrears of Rent Bill, to stop the causes of evictions. Was it right, in the interests of Ireland itself, by these protracted debates, to delay beyond the actual requirements of the case the completion of this present Bill? Were there not other matters in Ireland which urgently required to be dealt with? Could any Member of the House have heard the Chief Secretary read that formidable list of offences and of outrages which had been committed? [Mr. Labouchere: Evictions!] Surely the House desired to stop evictions and outrages; and he hoped the hon. Member for Northampton (Mr. Labouchere) would endeavour to strengthen the hand of the Executive in dealing with that fearful state of things, which was bringing disgrace upon Ireland. The Committee were acquainted with the clauses in the Bill which followed this particular clause. The Irish Government had asked for those clauses; and he put it to the Committee whether they could afford to go on week after week, as slowly they had proceeded so far, and whether it was not likely that if they proceeded at their present rate, it would be six weeks, at least, before this Bill could be concluded? Was it right that they should proceed in that manner? He believed he expressed the feelings of the vast majority of the House in saying they would be prepared to make any sacrifice of time and patience in regard to this measure, and he thought hon. Members opposite would admit that the Committee had shown much patience. They had not complained, and if it was necessary to continue the debate at this late hour, he hoped Her Majesty's Government would consider whether there were not means, even by more continuous Sittings than the present, of hastening the measure. The debates would have been much more protracted if hon. Members who desired to support the Government had not frequently remained silent because they did not wish to lengthen the debates. He hoped their silence would not be taken as indicating any lukewarmness with regard to the action of the Government, and that it would be understood that they did not object to the action of the Government, although they had thought it better to remain silent. They wished this Bill to be passed, and as speedily as possible. The blood that was being shed in Ireland was not only Saxon blood, but Irish blood. The Executive asked for such powers as were necessary to stop that bloodshed, and if this Bill did not suffice to stop it they must ask for further powers; for neither the Government nor the House would endure a continuation of these outrages. The Government must be armed with the powers they asked for; and he hoped that before Monday the Government would consider whether any further steps could be taken to expedite the progress of the Bill.

Mr. HEALY said, it was evident that the right hon. Gentleman the Member for Ripon had not been present during the debates on the Land Bill last year; for if he had, he would have found that the Tory Party delayed the Government no less than four days on the first three lines of the Bill, whereas the Irish Members on this occasion had only delayed the Government six days on one whole clause. The Bill now before the House affected the rights of the people of Ireland; but the Bill before the House last year only affected the interests of a few landlords; and hon. Gentlemen above the Gangway on the Tory Benches did not scruple to waste the time of the House and prevent the Bill being passed, although evictions were then taking place. He did not hesitate to say that there had been more pain, more misery, more loss inflicted on the Irish tenantry in one year than there had been inflicted on the landlords by outrages in 100 years. The right hon. Gentleman opposite was very solicitous, as they all were, when individuals incurred loss and suffering in Ireland; but he must remember that the people for whom he appeared to evince most sympathy were the aristocrats—the people of his own class—at all events, the monied class. The Irish Members represented the poor; and certainly, if they had no sympathy for the class from which most of them sprung, and if they did not understand the feelings of the poor, he should like to know by what title any hon. Member could claim to represent anybody in that House? They felt as much for the people they represented as the right hon. Gentleman could feel for his class; and he would remind the right hon. Gentleman that, although he complained that so much time had been spent over this Bill, the Government had now practically got the pith and core of the Bill—the abolition of trial by jury and of "Boycotting." The remaining portions of the Bill did not, in the opinion of the Government, constitute the major part of the Bill; so that in about a week they had practically got the core and the marrow of their proposals. What was the conduct of hon. Members last year? They kept the House of Commons 50 nights on the proposal to limit the rights of Irish landlords; but the Irish Members had now kept the House six nights altogether on proposals to limit the rights of the people of Ireland for three years, and yet the right hon. Gentleman said they were wasting time. He would remind the Government, who claimed to be a Liberal Government, that there were a number of hon. Members on these (the Irish) Benches who were quite as Liberal as any hon. Member opposite, and that their support and sympathy might be required by the Liberal Party when the right hon. Member should be on these Benches. If the Government wished to come to a closure with the Irish Party, they would have a tough Party to tackle. That Party was not afraid to oppose any proposals the Government might bring forward, and the Government would have to consider whether time would be saved by following the advice of the right hon. Gentleman (Mr. Goschen). The right hon. Gentleman had given the Committee the benefit of his absence on this clause, for which they could not be too grateful; but, having waited till 2 o'clock, he came down to give the Government the benefit of his advice. He would remind the Government that whenever they were in a difficulty they were assailed behind the back by hon. Gentlemen of the peculiar temperament of the right hon. Member for Ripon. He did not believe that the following of the right hon. Gentleman, all told, would amount to half-a-dozen

Members in that House; while the Irish Members numbered 30 or 40, and represented some 5,000,000 of men. Making that contrast between the right hon. Gentleman and this Party, he would leave the Government to form their own conclusion.

Mr. PLUNKET said, he had no desire to enter into a controversy as between the interests of landlords and tenants; but he would mention, in regard to the hon. Member's remarks as to this Bill being carried in the interest of the landlords, that of the five attempts to murder reported that day, one was committed upon a landlord, one was upon an unfortunate soldier, and the other three were attempts to murder poor farmers.

Mr. T. D. SULLIVAN, referring to the advice of the right hon. Member opposite (Mr. Goschen) to hurry this Bill because outrages were being committed, evictions were taking place, and blood was flowing, said, the contention of the Irish Members was that this Bill would do no good in Ireland, but a great deal of harm. That being their belief, they were bound to resist it to the utmost within their legal rights and abilities. The right hon. Gentleman had said the Arrears of Rent Bill was waiting on this measure; but when the Arrears of Rent Bill should come before the House hon. Members above the Gangway on the Opposition side of the House would take good care that it did not make progress. They would fall upon that Bill and strangle it, if they could; and if they could not do it, that would be done for them "elsewhere." Here, then, was the situation. The Committee were appealed to to hurry through this coercive measure, which would not improve the condition of things in Ireland, but would rather make confusion worse confounded; while the remedial measure which was promised after this Bill was a mockery, a delusion, and a snare. He believed it would never be passed into law; it would be opposed by hon. Gentlemen above the Gangway in a most protracted and determined manner, and would receive a *coup de grace* "elsewhere." Therefore, the Irish Members stood on their rights in opposing this cruel measure, which they believed would produce, not peace and order, but anarchy in Ireland.

Sir WILLIAM HARCOURT said, the Committee had arrived at an hour in the morning when they might pretty well consent to this Motion, and not enter into debate in a heated spirit. With reference to what the right hon. Gentleman (Mr. Goschen) had said, the Government were fully impressed with the extreme necessity of proceeding as rapidly as possible, consistently with full and fair discussion, with this measure. They felt that the present circumstances of Ireland made it more than ever necessary that this Bill should pass into law without unnecessary delay. At the same time, as the hon. Member for Wexford (Mr. Healy) had said, it was true that the early clauses of the Bill were among the most important portions of the Bill. If he were asked his opinion, he should say he thought the debate upon this clause might have been more condensed than it had been, and some time might have been economized; but he had perceived, during this evening, a disposition to forward the discussions, and not to unduly delay them; and the Committee having passed this clause, which had been one of great difficulty and complexity, he hoped they would make more rapid progress with those portions of the Bill which had still to be dealt with.

Motion *agreed to.*

Committee report Progress, to sit again upon *Monday* next.

COUNTY COURTS [SALARIES AND EXPENSES OF EXAMINERS OF ACCOUNTS].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the repeal of so much of section two of "The County Courts Act, 1866," as limits the Salaries and Expenses of the persons by whom the Accounts are to be Examined.

Resolution to be reported upon *Monday* next.

MOTION.

PUBLIC OFFICES SITE BILL SELECT COMMITTEE.

Ordered, That the Report and Minutes of Evidence of the Select Committee on Public Offices and Buildings (Metropolis) 1877, be referred to the Select Committee on the Public Offices Site Bill.—(*Mr. Shaw Lefevre.*)

House adjourned at Two o'clock
till Monday next.

HOUSE OF LORDS,

Monday, 12th June, 1882.

MINUTES.]—SELECT COMMITTEE—*Report*—Claims of Peerage, &c. [No. 128].

PUBLIC BILLS—*First Reading*—Public Health (Fruit-Pickers Lodgings) * (127); Interments (Felo de se) * (130); Land Drainage Provisional Order * (131); Local Government (Ireland) Provisional Orders (No. 2) * (132); Local Government (Ireland) Provisional Orders (No. 3) * (133); Local Government Provisional Orders (No. 2) * (134); Local Government Provisional Orders (No. 6) * (135); Local Government Provisional Order (No. 10) * (136).

Second Reading—Marriage with a Deceased Wife's Sister (75), *negatived;* Local Government Provisional Orders * (106); Local Government Provisional Orders (Poor Law) * (107).

Committee—Boiler Explosions * (85-129).

Third Reading—Arklow Harbour * (98), and *passed.*

EGYPT (POLITICAL AFFAIRS)—RIOTS AT ALEXANDRIA.—QUESTIONS.

THE MARQUESS OF SALISBURY: I wish to ask the noble Earl the Secretary of State for Foreign Affairs, If he has any further news which he desires to communicate to the House with reference to the state of things in Egypt; and, also, if he will inform the House whether Her Majesty's Government intend to take any measures, or whether measures are so far advanced that the Government can inform the House of their nature?

EARL GRANVILLE: My Lords, in reply to the noble Marquess's Question, I will read the telegrams which have been received at the Foreign Office from Alexandria. The first is from Vice Consul Calvert, dated 10.40 last night, and states that a serious riot had taken place in the afternoon between Arabs and Europeans, and that Mr. Pibworth, an engineer of Her Majesty's ship *Superb*, was killed, and many wounded, among whom were, I regret to state, Mr. Cookson, Her Majesty's Consul, and three constables of the Consulate. A further telegram from Mr. Calvert, dated 10.25 this morning, states that the women and children, who sought refuge in the Consulate, have been transferred to the ships, and that the military are maintaining order. I am glad to say that Mr. Calvert states that Mr. Cookson is convalescent, and his injuries are not serious. Sir Edward Malet has telegraphed that the Khedive has sent an *aide-de-camp* to Alexandria, and the latest telegram received this morning from Mr. Calvert is of a more re-assuring character. The natives, the English authorities, and Dervish Pasha advise that men should not be landed. Sir Beauchamp Seymour has power to land sailors and marines should he think it necessary; but he has telegraphed that the disturbance is of a non-political character, and was suppressed by Egyptian troops.

EARL DE LA WARR: I wish to ask the noble Earl, If the consent of the Sultan has been given to the proposed European Conference with reference to the affairs of Egypt?

EARL GRANVILLE: All the Powers have pressed the Porte to consent to a Conference. The Sultan has stated his opinion that it is unnecessary, and in some ways objectionable; but His Majesty has made no refusal to the proposals of the Powers.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—(No. 75.)

(*The Earl of Dalhousie.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DALHOUSIE, in moving that the Bill be now read a second time, said: Your Lordships are already acquainted with this Bill. It has been several times before Parliament. It has passed through all its stages in "another place" no less than seven times; and, although your Lordships have not yet seen fit to allow it to pass the second reading, you have, except on two occasions, regarded it with steadily-increasing favour each time it has come before you. Thirty years ago, when the House divided on the second reading, the "Contents" were only 16; in 1879 they were 81; in 1880 the number increased to 90; and on the last occasion the second reading was only lost by the small majority of 11. Judging by the tone of the recent debates in this House, it is evident that the passing or the rejection of this Bill now turns on the social aspect of the question—that is to say, on the question whether it is, or is not, for the general advantage of the community that the

Bill should become law. Your Lordships will remember that this part of the subject was discussed at some length in this House in the years 1879 and 1880, when my noble Friend (Lord Houghton), who has for so many years taken a deep and warm interest in this question, brought it forward. I cannot add much that is new to the discussion; but my duty to your Lordships requires that, even if I have to go over a part of the old ground again, and do no more than remind you of considerations with which you are already familiar, I should briefly state my reasons for asking the House to read this Bill a second time. Before doing so, I should like to make some general observations in regard to it. I would, in the first place, point out that it is not a sweeping measure for the general reform of the Marriage Laws. It aims at nothing more than the removal of an unreasonable restriction on marriage, which causes much misery and suffering to a considerable number of persons. The Bill is strictly limited to this one object. If I am asked, why is it not of a wider and more comprehensive character, embracing also marriage with a deceased husband's brother or deceased wife's niece, or a deceased husband's nephew, my reply is, that these marriages rarely take place—so rarely that their prohibition does not appear to be felt as a practical grievance. In theory, no doubt, the case for their legalization is as strong as that which is dealt with in the Bill. But it has been found that, for every 100 marriages with a deceased wife's sister, there are only three with a deceased husband's brother; and for every marriage with the husband's nephew or wife's niece, there are no less than 300 with the wife's sister. Therefore, moderate as is the scope of this Bill, it will, as a Bill of Relief, be effective in something like 95 cases out of 100. How many innocent persons—the issue of second marriages with the sister of a first wife—are now bearing the stigma of illegitimacy I cannot say; but there must be tens of thousands of persons in that painful situation. I am assured that in London alone there are some 5,000 couples who have contracted this marriage; and a few minutes before I came down to the House this afternoon a letter was put into my hands, stating that the writer was personally acquainted with no less than 20 of these marriages in the small town of Stratford-on-Avon, where he lived. Then, as to the circumstances under which these marriages have been contracted, I happen myself to be personally acquainted with 13 men, and I have received letters from 15 others, each of whom had been requested by his first wife, in some cases when she was on her death-bed, to marry her sister, in order that she might have the satisfaction of knowing that, when she herself was gone, her children would be properly cared for. And I must say, my Lords, that I cannot find it in my heart to blame those men for complying with such a request. For aught I know, there may be, probably there are, hundreds of similar instances. During the last few days I have received so many letters on this subject that I have not had time to read a third part of them. But even if there had existed no more cases than those I am acquainted with, I should consider that I had good grounds for asking your Lordships to reform a law which would prevent a husband from complying with so natural and so reasonable a request made by his wife in her last moments. A law that would involve so painful an ordeal, even in a few cases, surely requires to be justified on the clearest grounds of public expediency. Therefore, if I am told that I am bound to show reason for wishing to disturb the existing state of things, I think I may, at least, with equal fairness, argue that the onus of proof lies rather with those who wish to retain the existing state of things. Then, as to public opinion, I may refer to the Petitions that have been laid on previous occasions before your Lordships' House. I know it is sometimes said that money and organization will procure any number of signatures to any Petition whatever; but among those in favour of this Bill that have at various times been laid before your Lordships' House are several which neither money nor organization could have procured. For instance, more than 1,000 municipal bodies have petitioned in its favour. All the 81 Scotch burghs have five times collectively petitioned in its favour, and of the 240 English boroughs, there are only 15 whose Corporations have not petitioned in favour of the Bill. Your Lordships will remember the important Petition from the Convention of Royal Burghs of Scotland, presented, I think, three years ago, and also the remarkable Petitions from the farmers of Buckingham and Norfolk, which were signed by an altogether overwhelming majority of the farmers of those counties. But I appeal, besides, to the steady advance which this measure has made in your Lordships' House during the past 30 years. That I consider to be proof, almost amounting to certainty, that the tide of public opinion is strongly setting in its favour, and that sooner or later it will be carried. My Lords, I have pointed out how limited is the scope of this measure, and the reason of its being so limited. I have pointed out how large is the probable number of persons to whom this Bill will bring relief. I have also shown under what peculiar circumstances marriage with a deceased wife's sister is sometimes contracted—circumstances which cannot but enlist sympathy on the side of those who offend against the present law; and I have shown that there is good reason to believe that public opinion is favourable to the change which this Bill proposes to make. I will next turn for a moment to some of the principal objections that are urged against it. I hardly think I need now trouble your Lordships with what I may call the Ecclesiastical objection. The chief objections urged now-a-days are based on the supposed social effects which it is prophesied would result from the passing of the Bill. It is said, for instance, that this Bill is a Bill for the abolition of sisters-in-law. So far as I can understand that argument, it comes to this—that because the law prevents their marriage, a young and marriageable sister-in-law may take up her abode with a young widower, manage his house for him, and take care of his children, without let or hindrance or scandal of any kind; but that if this Bill became law, it would be impossible for the bereaved husband to enjoy any longer the help and comfort of his sister-in-law's society. My Lords, I deny altogether the soundness of the foundation on which that argument is based, and I ask your Lordships whether you would allow any daughter of yours, even in the present state of the law, to reside alone in the house of a young brother-in-law, in order that she might take care of her sister's children? Then, as to giving rise to the question of scandal, there would be less chance of that if this Bill became law than there is at the present moment; because, if two people whom the law permitted to marry did not marry, the inference would be that they did not wish to marry. But what might be—and, as I believe, sometimes is—the situation as the law now stands? Why that a brotherly and sisterly affection might, and sometimes does, gradually ripen into a stronger and warmer attachment without either party being aware of the change, and if that should happen marriage is forbidden. I ask your Lordships, is that a desirable state of things, and is it not a danger which the present state of the law is distinctly calculated to increase? Because, by considering as brother and sister two persons who are not brother and sister—that is to say, by interposing a barrier where nature has placed none—the law merely throws both parties off their guard. The law cannot diminish the danger to which they are exposed. It can only conceal the existence of that danger; and, my Lords, I must say that the idea that the passing of this Bill will make it impossible any longer for a woman to take care of her sister's children, on the ground of the impropriety of her living in the house of her brother-in-law—a thing which it is asserted she may now do with safety, and without impropriety—presupposes a most exaggerated and, to my mind, altogether incomprehensible belief in the power of human law to control human passion. But I admit that there is just this one grain of sound argument in all the chaff about abolition of sisters-in-law — namely, that whereas now a woman may live with her bereaved brother-in-law, and help him with his family, without any ill-natured person being able to say that her object in doing so is to step into her sister's shoes, she will, if this Bill becomes law, have to face as best she may the chance of such things being said. But in regard to far more serious insinuations in regard to a scandal of a really grave and injurious character, she will be placed in a vastly superior position. First, because she will be on her guard against whatever danger may lurk in the so-called sisterly attachment; and secondly, because, should a more than sisterly affection spring up, marriage will be open to the parties. That being so, she can well afford to bear the slander of such envious tongues as may choose to say that her object in taking care of her sister's children is to marry her brother-in-law; and I will venture to say that in 99 cases out of 100 she would care nothing for it. It seems to me that those who assert that a selfish consideration, such as fear of what Mrs. Grundy might say, would deprive many a man of the solace and consolation that the sister of his wife might otherwise bring to his home, display a most unenviable ignorance of the courage and generosity of women. Again, it is urged that if this Bill is passed the domestic life of many families will be poisoned by the jealousy which will arise between husband and wife, and especially on the part of the wife towards her sisters. My answer to that is that I think it extremely improbable that many wives are tormented with the thought that when they are dead their husbands will marry again. But even granting, for the sake of argument, that, unfortunately, this were the case, is there any reason to suppose that the wife finds greater comfort and satisfaction in the thought that, at all events as the law now stands, her successor cannot be her own sister? Then, again, I have heard it said that this Bill will restrict the area of our unpassionate affections, just as if it were in the power of an Act of Parliament to exercise any such control over our affections as is here implied; and it is also asserted that, if it passes, the purity of English social life would disappear under its baneful and pernicious action, and the very bonds of society be loosened. In answer to this vague prophecy of evil, which is really too vague and intangible to argue against, I will refer your Lordships to the experience of our own Colonies, Australia and Tasmania, inhabited, as they are, by men of the same race as ourselves; and also to the experience of the New England States of America, where marriages with the deceased wife's sister are permitted. Have any of these evil effects made their appearance in these countries? Do any persons in these countries advocate that these marriages should be prohibited? Or look at our own country prior to the passing of Lord Lyndhurst's Act, when these marriages were, in 99 cases out of 100, practically good and lawful marriages. Is there any evidence anywhere to be found in any records of any kind—in memoirs, in history, in novels, plays, or other writings—that this marriage between a man and his deceased wife's sister produced any evil results? Do we read of the constant jealousy of wives towards their sisters, or of any tendency to relax those bonds of morality which keep society together? And if we do not, may I not say, on behalf of the supporters of this Bill, that we have not merely reason, but also the facts of experience on our side; whilst our opponents are compelled to support themselves by prophecy and sentiment of the vaguest kind. Then, again, it has been said—I think in your Lordships' House—that 99 out of every 100 women are against the passing of this Bill. My Lords, I should like to hear that assertion proved. But I may say that it is certainly not the fault of the opponents of this Bill—both in Parliament and out of it—if women have not the most extraordinary notion as to what it is intended to do. The question has been so argued as to give the impression that this is a Bill to compel a man, on the death of his wife, to marry her sister, or, at least, to point her out to him as the proper person for him to marry, if he does marry again. Well, it is not surprising if wives, as a body, object to have their successors named during their own lifetime, or if sisters-in-law feel a little alarmed when they are told that this is a Bill for their abolition, because whatever that may mean, no one likes the idea of being abolished. Women have not had fair means of judging this question. If they had, and if there were some means of ascertaining their opinion, I see no reason to believe that it would be unfavourable to the Bill. There is, at this moment, before your Lordships a Petition in favour of the Bill signed by no less than 5,000 women, over 18 years of age, living in the Cathedral City of Lincoln, the total population of which is only 35,000. I could understand women wishing the scope of this measure were wider, or I could understand their objecting to all second marriages. But, so far from there being any reason to suppose that, in the case of a wife, the idea of her husband marrying again would be doubly painful, if she could think that there was a chance of his finding a second wife in her own sister, the reverse is probably nearer the truth. For we know that a wife on her death-bed sometimes begs her husband to marry her sister, thinking very naturally that in her own sister her children would be likely to find the kindest and best of stepmothers. Certainly, the picture of a dying wife, made happy in her last moments by the grim thought that, come what may, her sister, at all events, cannot succeed to her husband's affections, is grotesque and ridiculous in the last degree. But there is one more objection, my Lords—and this, I admit, is an objection more weighty than any of the others—namely, that to pass the Bill would be to grant an amnesty, by reason of its retrospective clause, to those who have already contracted this marriage in defiance of the law. No doubt, there is force in that argument; but, my Lords, how would the case stand if the retrospective clause were left out? Who would suffer? Not the parties you want to punish. Not the parties who broke the law. They would go off to the Registrar's office, or to church, and get married at once. The persons who would suffer would be the innocent children, who, if you do not make this measure retrospective, except, of course, in regard to property, would be left, as they are now, to bear the stigma of illegitimacy to the end of their days. It is for the sake of the children, my Lords, rather than of the parents, that I ask you to pass this Bill, and entirely for the sake of the children that I hope you will see fit to make its action retrospective. I may remind your Lordships that precedent is in favour of this case. Whether, in the time of Henry VIII., Queen Mary, or Queen Elizabeth, or in the more modern instance of Lord Lyndhurst's Act in 1835, every alteration in the Marriage Law has been retrospective. Moreover, if you should pass the Bill, omitting the retrospective clause, you would have this state of things—all persons born of these marriages between the year 1835 and the passing of this Bill would be illegitimate in the eyes of the law; while all persons born previously to 1835, or after the passing of the Bill, would be legitimate, an anomaly which, in practice, would be intolerable. I have now dealt with the principal objections to the Bill. I will next state the principal grounds on which, besides the one that I have just mentioned, I ask your Lordships to read it a second time. I might argue that as a general principle, when it is a question of marriage between any two parties, freedom ought to be the rule, and that those who would control that freedom are bound to show, in the absence of any natural or Divine law, that distinct and palpable evil would ensue if restrictions which they advocate were not imposed. But I do not rest the Bill on any such abstract ground. I think, in the first place, that a man ought to be allowed to marry the sister of his former wife, because his children are more likely to find a kind stepmother in the sister of their own mother than in anyone else. This argument is doubly strong in the case of the working classes; for when a labouring man loses his wife he must have someone to keep his house, and look after his children while he is out at work. I believe that, in those cases, it is more often the sister of his former wife who comes to live with him than anyone else. And your Lordships will understand that, when two persons who are no relation whatever to one another are living together on terms of intimacy and familiarity within the confined space of a working man's cottage, it is better, in the interests of morality, that they should be free to marry if they like. If the law forbids their marriage, the chances are that they may do worse, as it is called. Another consideration which, I think, ought to have great weight with your Lordships is this—that public opinion does not support the present law in regard to this particular marriage, and, consequently, the law is broken right and left, with perfect impunity to those who break it. Surely, that is an evil of the very first magnitude. I am not saying that because many people break the law therefore you ought to alter the law. What I say is this—When people do break this particular law, public opinion does not condemn them; on the contrary, public opinion sides with them against the law. For instance, the working classes of this country, especially in the North of England, are very pure and chaste, as a class. If a man and woman, in no way related or connected with one another, lived together without being married, they would, at least, be looked down upon by their neighbours. But let the woman be the sister of the man's former wife, and the arrangement is thought perfectly natural and proper. Again, the Royal Commission, appointed so long ago as

1847, to inquire into this matter, reported that the law failed to prevent these marriages, and that thousands of these marriages took place; and the Commissioners added—

> "We do not find that the persons who contract these marriages, and the friends and relations who approve them, have a less strong sense than others of religious and moral obligations, or are marked by laxity of conduct."

My Lords, these words are even more true at this moment than they were 35 years ago. Is it not, therefore, high time that the law should be brought into harmony with public opinion? Another reason in favour of the Bill is, that the present law presses very unequally on the rich and on the poor. A rich man, if he loses his wife, can pay nurses and governesses to take care of his children. He is, therefore, independent of his wife's relations. A poor man is not. He must get some woman of his own rank of life to come and live with him; and, as I have said, in the majority of cases that woman will most likely be the sister of his first wife. But, again, if a rich man wishes to marry his wife's sister, he can go abroad and do so. I believe that within the last fortnight no less than 10 such marriages between persons belonging to the United Kingdom have been celebrated in Switzerland. These marriages, it is true, will not be good in the eye of the law when the parties return to England; but if they have quieted their consciences by the performance of a religious ceremony, they will probably rest satisfied with what they have done; whereas a poor man is bound by his family to remain where he is, and, if he cannot get lawfully married, it is not wonderful if he should dispense with the ceremony of marriage altogether. But there have been instances where men have committed a criminal offence in order to secure the performance of the religious ceremony. I know of one case in which a noble and learned Lord, now a Member of your Lordships' House, found himself obliged to pass sentence for perjury upon a man who had made a false declaration solely with that object. Another most important argument in favour of the Bill is the anomaly produced by the fact that in the whole of the Australian Colonies, in Tasmania, and within the last few days in Canada also, marriage with the deceased wife's sister is allowed by law; and in New Zealand and Natal Bills legalizing marriage with a deceased wife's sister have passed the Legislatures, and are only waiting for the Royal Assent. Suppose, for example, a man to have married, as he lawfully may in one of the Colonies, the sister of his first wife, he afterwards embarks for England with his wife and family, he could not land in England with his wife, because, on arriving in England, she has *ipso facto* ceased to be his wife and becomes his mistress, and her husband would be legally free to marry another woman. Is that a state of things which ought to be allowed to continue? And, apart from the anomaly, is it not desirable, my Lords, that on broader grounds of statesmanship, which none can appreciate better than your Lordships, there should be as little difference as possible in the laws of the several parts of the Empire. I know it may be said, in regard to the Colonies, that it is not the Mother Country which ought to follow the lead of the Colonies, but *vice versâ*. That argument, however, is little better than mere pedantry; and I feel sure that your Lordships will be of opinion that, for the sake of the Empire, it is not wise to maintain unnecessary difference between the laws of this country and those of our Colonies. In the case of the particular law to which this Bill refers, it would be doubly unwise to do so, because our law is of very recent origin. Prior to Lord Lyndhurst's Act in 1835, marriage with a deceased wife's sister was practically permitted. It is a fact that, until the passing of the Act 47 years ago, marriages within the table of prohibited degree were not prohibited by any enactment of Statute Law; and, consequently, marriages with a deceased wife's sister were, in 99 cases out of 100, practically good and lawful marriages. They were virtually never called in question, and could only be set aside by a process in the Ecclesiastical Courts—a process which could easily be avoided by getting someone to institute a friendly suit, and to keep it on foot till one of the parties died. I may, perhaps, be allowed to remind your Lordships of some points in the history of Lord Lyndhurst's Act, for it was never intended that that Act should have its present consequences. In 1835, Lord Lyndhurst brought in a Bill, the original intention of which, as stated in the Preamble, was to limit to two years the time within which a suit could be brought in the Ecclesiastical Court, for the purpose of setting aside a marriage contracted within prohibited degrees. The Bill provided that at the end of those two years, if no suit were brought, those marriages were to hold good. The immediate object of the Bill, and the sole reason of its being introduced, was to legalize the marriage of a Member of your Lordships' House, who, in marrying a second time, had married a sister of his first wife. But in its passage through your Lordships' House the Bill was entirely altered. The right rev. Bench refused to consent to its passing, unless all such marriages as might be contracted in future should be made absolutely null and void. Consequently, the Act of 1835 legalized, in the most extraordinary and inconsistent manner, all marriages within the prohibited degrees contracted previous to the date of its passing, but prohibited, or at least invalidated, all such marriages, including, of course, that with the sister of a former wife, contracted after that date. And these marriages, which, prior to 1835, although theoretically, and in strict law, void, were practically, and in effect, only voidable, and scarcely ever called in question, became after that date absolutely void by the Statute Law of the land. Therefore, I submit that any argument based on the assumption that the law in its present state has the experience of centuries to recommend it is altogether without foundation. I have now stated, very imperfectly, but to the best of my ability, the case for the Bill, and I am most grateful to your Lordships for the kindness and patience with which you have listened to me. My excuse for speaking at such length must be the hardship and unreasonableness of the present state of the Marriage Law, in so far as it relates to a marriage with a deceased wife's sister. I feel sure that your Lordships must sympathize with the offspring of these marriages, who are now condemned to suffer the penalty of illegitimacy, with all the social disadvantages it entails, for an offence committed by their parents against positive law, it is true, but not against Christian morality; and I sincerely trust that the House will regard this Bill from a practical point of view, remembering that the question involved in it is not whether marriage between a widower and his sister-in-law is or is not a desirable thing, but whether there is any just ground for prohibiting it by law. In the absence of any such ground, the mere question of desirability and expediency is surely one that ought to be left to the parties themselves. Unless, therefore, the prohibition of this marriage can be shown to rest on some solid and palpable foundation, I venture to hope that your Lordships will be of opinion that it ought to be removed. I do not expect that the opponents of the Bill will venture to take their stand on theological or ecclesiastical grounds; and as to the lugubrious prophecies in which they indulge, we have the experience of the past in this country, and of the present in our Colonies, to prove that these gloomy vaticinations are the idlest of dreams. I now beg to move that the Bill be read a second time, and hope that this restriction on marriage will be removed from the Statute Book.

Moved, "That the Bill be now read 2ª."—(*The Earl of Dalhousie.*)

LORD BALFOUR, in rising to move that the Bill be read a second time this day six months, said: My Lords, there are two aspects in which this question may be looked at—namely, argument may be used against the Bill from the theological, or, perhaps, I should rather say, Scriptural, point of view; and also the arguments which may occur to anyone who looks at the social aspect of the question. I was not prepared altogether for the utter contempt which the noble Earl (the Earl of Dalhousie) seems inclined to throw upon the Scriptural side of the argument against the passing of the Bill. I am perfectly aware that there are some who go so far as to deny that whatever the Scripture says on this question it should have any effect on our laws in this 19th century; and there are others who say that if they could be convinced that Scripture did forbid such a marriage as this, they would vote against the Bill, but that they cannot be so convinced. But I frankly own that I belong to neither of those classes, for I do believe that there is a Scriptural prohibition binding upon us at this present day against legalizing the marriage which this Bill proposes to legalize; and I trust your Lordships will bear with me if, after what has fallen from the noble Earl opposite, I venture to give the grounds upon which I have formed that opinion. It is very commonly asserted by the promoters of this Bill that those who oppose it on Scriptural grounds found their opposition upon the 18th verse of the 18th chapter of the Book of Leviticus; but I need hardly tell your Lordships, at this stage of the controversy, that that is not so. Those of your Lordships who think as I do, and all others who likewise think with me, rely not upon one verse, but upon the whole tenour of the chapter. We regard the tenour of the chapter as a code, and as a code which is to be interpreted according to its spirit, and which, to a very large extent, is governed by words which occur in the 6th verse—"That no one is to approach unto those who are near of kin." And then, in the following verses, we contend it proceeds to define what is meant by near of kin, and the prohibitions which follow are not enumerated exhaustively, but are merely put forward as examples from which those for whom the code is intended are to work out for themselves what that code is to be; and if, looking at it in that light, your Lordships will refer to this chapter, you will see that there are certain, what I may call specimen, prohibitions, some of them as to relatives by consanguinity and some as to relatives by affinity. The relationships of affinity and consanguinity, which are prohibited directly by Scripture, are mixed up in about equal proportion. I am sure the promoters of the Bill would concede that this code must be interpreted all through either upon its letter or upon its spirit; it cannot be allowed to be taken sometimes according to its letter, and at other times according to its spirit. Suppose you take it that it must be strictly interpreted by its letter; in that case, noble Lords opposite are at once involved in numerous and serious difficulties. Relationships by affinity are forbidden much more remote than some by consanguinity, which, according to that reading, would be permitted; but if you are to interpret it by its spirit, it can only be worked out in a logical way in the form with which your Lordships are familiar—namely, the Table of Affinity, which is the law of the land. I know that some people say this is a Jewish law; but I think anyone who studies the chapter as a whole will see that it is not so—that these prohibitions are not directed against acts to be done, or supposed to be done, by the Israelites themselves, but that the condemnation with which these acts would be visited is obviously, by the words of Scripture, meant to include the Gentile nations, which were then living around them. I would also say this—that for many centuries the Primitive Church did accept this code as binding upon all of us, and it is necessary to come down to quite recent times before any view in an opposite sense is maintained. One more suggestion—that if this code is not binding upon us at the present time, there is, then, in the whole Scripture, no law against incest at all. Another attempt to dispose of this code as binding upon us at the present day is often put forward, more especially in regard to this particular connection which your Lordships are now debating. I have heard it said that even if you admit that this code on the whole would be binding upon us, there is a special exception in favour of the wife's sister, and that that exception is given in the 15th verse of the 18th chapter of Leviticus; but I must say that I cannot see how that can be held at all. Let us take the verse as it stands in the authorized version of the Old Testament, which, I believe, is the most favourable version to the advocates of this Bill, and it will be found, in the words of that version, that it is a simple prohibition against a particular kind of polygamy. How a man can argue, therefore, that because a particular kind of polygamy is condemned, and because that particular connection is condemned during the lifetime of the wife, that there is a permission to form that connection afterwards, and that that permission is sufficiently strong to dispense with what I hope I have shown is a code otherwise binding upon all at the present time, I cannot understand. To turn to the social aspect of the question, the first remark that I feel inclined to make upon the subject is this—that surely, after the law in its present state has existed in this country so long as it has, the onus of proof should lie, not on those who wish to maintain the law, but upon those who are anxious to make the change in the law. It has often been said that this change was introduced at the time of the passing of Lord Lyndhurst's Act. I do not understand the noble Earl who has just sat down to hold that view; but I know that many who support the Bill are inclined to promulgate that view. I do not ask them to take my words upon a question of English law, but to pay attention to what Lord Brougham said in giving judgment in the case of "Fenton *v.* Livingstone." In that case, his Lordship said the marriage was

> "Clearly illegal, according to the laws of England, and that if it had been questioned while the parties were alive, it must have been voided *ab initio*, because it was contrary to the law."

And Lord Hatherley also held the same view, and said that the law of England, both ecclesiastical and civil,

> "Had, from the first institution of a Monarchy, held marriage with a wife's sister to be an incestuous marriage."

That proves that the law, as it at present stands, has been in existence for about 1,200 years, and surely I am entitled, if anyone proposes to change it, to ask them to give proper proof that such a change is necessary. If you pass this Bill, it will be the first time in the history of English law that any difference is made between the marriage of a man with his deceased wife's sister, and between a man and his own sister, or any other relationship which is admitted to be incestuous. It will be the first time even that any suggestion has been made of making any difference between those relationships. The fact really is, that these marriages have been all along illegal, although, as the noble Earl has said, there were certain difficulties in the way of declaring them void; and all that Lord Lyndhurst's Act did was to declare that all those that had taken place before the passing of the Act should not in future be called in question, and that for the future all such marriages should be void without any declaration to that effect. That being the case, then, all this goes to prove that the onus of proof should lie upon those who advocate the change. What is it that the House has been told in favour of a change being made? The promoters of the Bill have often said that this restriction is found to be irksome. But on whom is it found to be irksome? The noble Earl admits that the chief persons who find the law irksome are those who have already broken the law; and so it ought to be; but that, I think, your Lordships will be very slow indeed to admit as a reason for changing a law. In my opinion, a law ought always to be irksome to those who have broken it.

The Earl of DALHOUSIE: I rise to Order. I advocated this change on the ground of hardship to the children, and not so much on account of those who have already broken the law.

Lord BALFOUR: I was just coming to that. And look at the lesson you would teach by passing this Bill on such grounds—that you have only to break the law and to make it irksome to yourself and children, and to do it with sufficient persistence, to induce the Legislature to change it for you? If I have misrepresented the noble Earl, I apologize to him, for it is not my desire to do so; but it does not seem to me that the correction of the noble Earl made any great difference as regards the general line of argument I was following, and endeavouring to press upon the notice of the House. I will say with regard to this that I will quote the words of the noble and learned Lord the Lord Chief Justice of England (Lord Coleridge), who I am glad to see in his place. He once said in this House—

> "That no change in the law of this kind should be made except for the general good, and in harmony with the general sentiment of the people."

And I do not think that anything which the noble Earl has told you will prove anything as to there being a general feeling on the part of the people of this country in favour of a change; still less has he proved that this change would be for the general good. I have not got such an extensive acquaintance amongst those who have broken the law as the noble Earl opposite; but, so far as my observation in private life enables me to judge, I should say that a large majority of the educated classes of this country are against this change in the law. At any rate, I am perfectly certain of this—that the most ardent advocate of the Bill cannot do more than say that the educated classes are divided upon the subject. The noble Earl made a considerable point in saying that this restriction is specially irksome to the poor; but I venture to say that is not the case, and that there is a great insufficiency of evidence in support of the assertion. In fact, judging from what people say who have the best means of knowing, I think it is inherently improbable that it should be the case. People in the humbler classes marry young, and the cases in which there will be a free sister-in-law in that rank of life will be proportionately very much fewer than in the higher ranks. Besides, I think the testimony of those who know the humbler classes goes to show it is not the case; and if the necessities of housekeeping and taking care of children are to be assumed as arguments in favour of the Bill, they may be pressed in favour of legalizing marriages with a good many other relatives. The noble Earl who moved the introduction of the Bill gave us a long Parliamentary history of the progress of this measure in the House of Commons; but I would remind the noble Earl that such statistics as he has quoted do not tell much in its favour. They are altogether fallacious. Let me remind the House of the various Parliaments which have expressed their opinion in favour of or against the measure. The first time any attempt at legislation took place was in 1841, when the House of Commons refused to allow of the introduction of the Bill; that elected in 1847 read it a second time twice; that elected in 1852 read it a second time once, and once rejected it; that elected in 1859 twice rejected it; that elected in 1866 once rejected it; that elected in 1868 four times read it a second time, but the majority was reduced from 100 to a little over 30; the House elected in 1874 rejected it the only time it was presented to its notice. The Bill was not again presented to a House of Commons found to be adverse to it, and I therefore maintain that we should have regard less to the number of times it has been passed than to the number of Parliaments that have passed it or rejected it. The fact that the House of Commons elected in 1874 rejected it once and decisively is as good a fact as that the House elected in 1868 passed it four times, for if it had been presented four times to the later Parliament it would have been four times rejected. As to the fact that we have been told that the aunt is the natural guardian of the children, and that it is, therefore, proper that she should take charge of them, a widower's first consideration, on looking for another wife, is not who will take the most care of his children; and, even if it were so, the deceased wife's sister would not be placed in a better position for taking care of the children by the passing of this Bill. She would rather be in a worse, for she would be at once expelled from the house. It has been said that the maintenance of the law places England in a singular position; but why is that? The advocates of change have certainly found Colonial Parliaments more facile, and have wrung a reluctant consent from the Home Government to their Bills; but that is no argument why we should change a law which has stood for 1,200 years. The present Bill is founded on no logical principle. That is claimed as an advantage, for it is urged upon us that the change proposed is a very small one; but, if so, and we were to pass it on that ground, the consequence will be that its acceptance will be used as an argument for a much larger one. The fact is that a law of such importance must be founded on some principle; and if your Lordships were once to make any distinction between the prohibited degrees of affinity and consanguinity, I do not see where you are to stop until the whole Table of Affinity is swept away. If you once do away with this restriction, you will strike a blow at those prohibitions which rightly encircle all our family life, and you will do a very great injustice to the feelings of the large majority of people for the benefit of a very few, and those few are those who have already broken the law. By passing this Bill your Lordships will do violence to the feelings of a large majority for the sake of a very small minority. The noble Earl opposite said that if the Bill passed a widower would not be forced to marry his deceased wife's sister. But it will put it in his power to do so, and therein lies the mischief. The opponents of the measure are not afraid that by-and-bye it will become the custom to marry one's deceased wife's sister; but the difficulty and the danger which they apprehend will arise before the death of the wife. It is our objection to the alterations which will be effected in our relations in the family circle that leads us to oppose the Bill. Women in households in England are fenced about by certain wise restrictions, and I think the wife's sister is one of those who are entitled to that protection, and your Lordships will do her a great injustice if you remove the prohibition. I am only too painfully aware of the inefficiency with which I have put forward what I honestly believe to be a very strong case. I ask your Lordships to reject the Bill, because it is founded on no principle, because it will settle nothing, and unsettle everything, in a sphere in which it is most important that change should not be lightly introduced. If the Bill were to pass I believe that it will bring confusion where there is now harmony; that it will sacrifice the peace, the happiness, and the convictions of a large majority for the sake of the mere morbid cravings of a few; and that it will attach a fatal measure of success to a persistent and most unscrupulous agitation. It is for these reasons that I now move its rejection.

Amendment *moved,* to leave out ("now") and add at the end of the Motion ("this day six months").—(*The Lord Balfour.*)

THE MARQUESS OF WATERFORD, in supporting the Motion for the second reading of the Bill, said, he considered that the objections raised by the noble Lord near him (Lord Balfour of Burleigh) were based on two points. Some of his objections were based on the law of God, to the effect that we were bound by the Levitical law; and the others were mere matter of sentiment. He (the Marquess of Waterford) believed both grounds to be entirely false; and in regard to what occurred in Holy Writ in reference to this question, the noble Lord had not, as far as he could see, adduced a single argument to bear out what he said. Therefore, they had to deal with what was really a matter of sentiment; and he believed it to be an entirely false sentiment. Indeed, it had been proved to be so by the procedure of other nations and of our own Colonies; and it was an attempt to create by law blood relations which did not exist in fact, and to preserve morality by an edict which he believed to be the greatest inducement to immorality in the English Statute Book. It was argued that great injustice would be done to a sister and a sister-in-law if these marriages were permitted. He supposed the noble Lord meant that jealousy would be created; that what had been called pure affection could not exist between a brother-in-law and a sister-in-law under those circumstances; and that, therefore, the sister-in-law could not take care of her sister's children after her death. But was it possible to prevent jealousies by any law which the Legislature might pass? Jealousies would always exist; and he believed that a wife would much prefer her sister to have charge of her children after her death in the position of a wedded wife, rather than in the position which was too often created by the present law—namely, that of the husband's mistress. Again, he desired to say a word as to the possibility of a young widower having his sister-in-law to take care of his children. In his opinion, it was a most questionable position at any time; and he believed none of their Lordships would like to see their female relations placed in such a position, though some of their Lordships would not object to a marriage which would place the sister in the position of a real mother to her deceased sister's children. At present, both parties had only to go to the Continent, or to one of our Colonies, in order to remove the barrier to their union; and they knew that even poor people might look forward to such marriages taking place, if they could save a few pounds and go over to the Continent. He believed that the laws relating to marriage were the same as the laws relating to everything else. They were made with a view of creating the greatest amount of happiness, healthfulness, morality, and prosperity among mankind; and there was no meaning in any restriction, excepting among blood relations. He thought, then, it was quite clear that they should stop at blood relations; but the deceased wife's sister was in a different position to that; and it was more against the law of nature that first cousins should marry than that a man should marry a deceased wife's sister. It had been stated that if these marriages were permitted we should do away with the pure affection which existed as between a brother and sister. But passion could not be curbed by Act of Parliament, and could only be curbed by the laws of nature, which permitted affection without passion between blood relations, but which created passion in the breasts of a pure-minded man and woman when there was no bar of nature to prevent their intermarriage. Those who objected to this Bill must be blind to its effects on the people of the Continent and our Colonies, where these marriages were allowed without any ill-results whatever. Sisters-in-law were not done away with; they were still able to take charge of their nephews and nieces; they were still able to live in the same house on terms of affection with their married sisters—no evil results had followed, but, on the contrary, the very best results—because it had been found that legalizing marriage with the deceased wife's sister was most conducive to morality. No one could deny that the English law, as it was at present, had forced many people, especially among the poorer classes, into leading immoral lives, and into breaking the law of the land by marrying in spite of it. There was no punishment for doing this, and they were unable to strike at those who disobeyed the law, except through their innocent children. He thought it absolutely wicked that—having an unnecessary law upon the Statute Book which their Lordships had refused to repeal, and being powerless to prevent or punish those who break the law—that they should attack them by branding with the name of bastard the pure little life of a child the moment it appeared in the world, depriving it of its inheritance, giving it no name, and holding it up as a reproach, to be pointed at with the finger of scorn as long as it might live. That was anything but a noble vindication of the law; and, therefore, it ought not to be kept in existence, as it had been, by small majorities in their Lordships' House. Therefore, he sincerely trusted that their Lordships would pass the Bill. It would do no harm to any man, while it would do enormous good to many living and to many yet to be born.

Lord HOUGHTON and the Bishop of PETERBOROUGH rose simultaneously to address the House; but there being loud cries for the latter, the noble Lord resumed his seat.

THE BISHOP OF PETERBOROUGH said, it was with very great hesitation and some reluctance that he ventured to address their Lordships on that question; and, strange as it might appear to their Lordships, he had really no intention of doing so when he came down to the House. That, however, was the most favourable time for him to do so, and his reason for speaking was this. The speech of the noble Earl (the Earl of Dalhousie) gave him an opportunity of stating that he was aware that the ground he must take in opposing the Bill introduced by the noble Earl on his right was different from that taken by many of those who conscientiously opposed it. He had never been able, in the course of his opposition to the measure, to take what was commonly called the high Scriptural or theological ground, at least as regarded the Old Testament, which was taken by many of his right rev. Brethren on the Bench, in opposition to allowing a man to marry the sister of his deceased wife. It had always seemed to him that the interpretation of the verse which the noble Lord opposite (Lord Balfour of Burleigh) quoted, as forming the basis of his opposition, was rather questionable, and had been questioned; and he was further of opinion that if we adopted one portion of the Levitical law, as regarded marriage, it was difficult to see why we should not adopt the whole of it. He would fully admit, as a matter of course, that among theologians any precept of moral obligation was binding upon the consciences of men, even though it was in the Levitical law; but the question as to whether the whole code of the chapter from which the particular verse was taken was or was not one of moral or positive obligation was an open question. He held that if there was any doubt upon the matter, the whole *onus probandi* of adducing arguments to upset a law which had stood for 1,200 years lay upon those who took the opposite view to that which he adopted. Having said that much, he would pass away from the theological and Scriptural ground of objection to the Bill, and would wish to deal with the subject on the ground on which the noble Marquess who just now addressed the House (the Marquess of Waterford) threw some contempt. The noble Marquess said that if we abandoned the Scripture it became wholly a question of sentiment. But sentiment was a most important, a most powerful element in deciding such a question; for, if sentiment had to do with anything in the world, it was with this question of marriage. Therefore, to dispose in that question of marriage of a sentimental argument, as though the question had nothing to do with sentiment, was hardly logical, for it would have to be considered, seeing that any infringement upon the popular sentiment was sure to excite opposition and discontent. He must confess that he would hardly have ventured to address their Lordships had it not been to express his thanks to the noble Lord opposite for furnishing one of the ablest arguments he had ever heard against that Bill. The noble Lord had the courage of his opinions. He had admitted that, if you were to deal with that question as a question of principle, you could only stop short at the prohibition of marriage with blood relations. The whole Table of Affinity would be swept away. The noble Lord had admitted—and he (the Bishop of Peterborough) entirely agreed with him —that you could not sweep away one of the prohibitions in the Table of Affinity, unless you were prepared to sweep them all away. The noble Lord, with a candour which did him honour, had plainly said to what that alteration of the law logically and necessarily led. He (the Bishop of Peterborough) trusted that the supporters of the Bill would lay that matter to heart, and he thanked the noble Lord for that argument in favour of the Bill. He would now pass from the question of sentiment, which largely and deeply entered into the consideration of that Bill. He had not had the advantage of hearing the speech of the noble Earl who moved the second reading, though he had heard that it was a remarkably able speech. But he hardly supposed that the noble Earl could have adduced any new argument. He ventured, therefore, to assume that the great argument in favour of the Bill contained in the speech of the noble Earl was that it was a poor man's Bill, meeting in a special manner the needs and affections of the poor man. If he (the Bishop of Peterborough) believed that, he would be the last person in the world to oppose the Bill. It had been the fashion of the supporters of the Bill outside that House to say that the opposition of the Bench behind him to the Bill was a bigoted and narrow opposition, and that they who lived in palaces knew nothing of the wants and needs of the poor man; that in disregard to those wants they clung to an obsolete Table of Affinity in their Prayer Books. But his opposition to that Bill would have been equally strong if the whole Table of Affinity were struck out. It was not as an Episcopalian or as a clergyman that he opposed that Bill, although he held that the deep convictions and rooted sentiments of the great majority of Churchmen were entitled to some consideration at the hands of their Lordships; but he opposed it because he claimed to know as much as any of their Lordships in that House of the wants and sorrows of the poor man. He claimed that the Bishops of the Church of England, from personal knowledge, and from their conversations with their clergy, had some right to speak in that House on the condition and requirements of the poor. But that Bill was not a poor man's Bill, either in its inception, progress, or in the needs that called for it. From beginning to end it had been a rich man's Bill; and it was not now in the interests of the poor man that it was really moved for, though he admitted the noble Earl conscientiously believed the assurance of many of his supporters and prompters that it was a poor man's Bill. It had been clearly pointed out by the noble Lord who moved the rejection of the Bill that the cases arose much more frequently in the homes of the rich than in those of the poor with which that Bill would deal. The Bill was supposed to give to the poor man who had lost his wife the advantage of having someone come into his house to take charge of his children upon whom he could rely to treat them with kindness. But the fact was that the Bill immediately deprived such a man of that advantage, and he wondered that it had not occurred to the supporters of the Bill that common decency and regard to the proprieties of life would always prevent a widower bringing a new wife into his house within a year, at least, of his former wife's death. [" Hear, hear ! " *and laughter.*] He could hardly understand the laugh by which that statement was honoured. Did the noble Lord who laughed mean that a man, though he might be a poor man, could ask in common decency a person who might become his future wife to come and live in the same house with him before his first wife's remains were cold in the grave? In common decency, he repeated, one year was supposed to elapse before a man could bring home a fresh wife. Thus a man would be, for one year at least, prevented from bringing into his house a woman whom the law had declared to be no nearer to him than any other woman. A poor man had delicate feelings as well as a rich man, and could hardly be expected to ask his wife's sister to remain in the house for at least 12 months after his wife's death; and thus for a year the children, whose case was so strongly advocated, would be left deprived of the most natural and effectual guardianship. As things were, during the presence of the sister-in-law, the widower would be able to find a suitable wife to take care of the children. Except, therefore, in the case of a guilty and criminal attachment during the lifetime of the wife, there was not the inducement which it was supposed there was even for the poor man to marry his sister-in-law. Then it was said that the sister-in-law would naturally prove the most affectionate guardian of her nephews and nieces. He doubted that proposition extremely. It might be the case so long as the sister-in-law, when married to the widower, remained childless; but once there was raised in the breast of the woman the deepest passion of human nature, as well as the holiest—the love of her own children—there would arise all those formidable possibilities of jealousy of the children of her predecessor—her deceased sister. The feelings of the *injusta noverca* arose in great measure from the love of a mother as well as from baser motives, and were not to be overcome by the mere fact that the step-children were the children of the stepmother's own sister. On the contrary, it would often make the misery of a sister the more bitter. That was a fact which ought to be taken into account in this controversy. The whole of the stepmother argument, therefore, fell to the ground in the presence of the broad facts of nature; but those broad facts had to be taken into account, and it was important to bear that in mind when the noble Earl said that the only laws of God are the laws of nature, and that they were sufficient to restrain men from the temptation of infringing the sacred law of consanguinity, but not sufficiently powerful to prevent them from transgressing those of affinity. The law of nature and the law of God in their original purity were, doubtless, the same; but it ought not to be forgotten that the laws of nature were the laws of a corrupted and fallen nature, and it could not be assumed that the passions of a fallen and corrupted nature represented the laws of God. He pleaded not only for the poor man, but for the rich man also. He pleaded, likewise, most earnestly for a class which especially needed protection—he pleaded for sisters-in-law as they were. The relation of sister-in-law and brother-in-law was one of the most beautiful and endearing of all family relationships. There was a sweet tenderness and a depth of affection in it which could only be found elsewhere in the nearest ties of blood relationship. There were hundreds of brothers-in-law and sisters-in-law who had no thought of marriage with each other, and it was those whom the Bill would necessarily sever, as it would be no longer possible for the sister-in-law to remain in her brother-in-law's house when her sister had died. Social disturbance of a most painful kind would arise. He was not speaking of the disturbance which might arise before the second marriage. He was not speaking of the bitterness and jealousy which might be brought about by the attractions of the younger sister in the heart of the wife whom that younger sister might succeed. He was only speaking of the unfortunate sister-in-law who might for years have lived happily with her sister and nephews and nieces, but who, by that Bill, would be driven from their homes. And that effect was to be brought about for the sake of an experiment, and to gratify the passions of rich men, who could not control themselves, and those experimentalizing philosophers who found nothing so safe as to experiment upon matters of that kind without a particle of principle to guide them. Sisters-in-law might remain with their brothers-in-law in a position dubious to the world; but in which their superior strength and virtue would enable them to despise the opinion of the world. It had been said that sisters-in-law might still remain in charge of the children; but they would no longer still be sisters-in-law. They would be evicted as sisters-in-law, and put in as caretakers; and he should hardly have thought the practice of Irish landlords would meet with such favour on that (the Ministerial) side of the House. He protested against the Bill, because it contained no shred of principle; because it would do harm to a number of most deserving persons; and because it picked out of a number of prohibited degrees one, and one only, while it did not attempt to introduce any fixed principle of legislation with regard to the Marriage Law. If they were to disturb the Marriage Law with regard to affinity which had lasted for centuries, he did not use too strong and earnest words when he said—"For God's sake find some other principle which you can introduce into the Law of Marriage." These were not times for unnecessary, rash, and experimental legislation on the subject of marriage. In the country districts other Bishops and himself knew that not only marriages of too near affinity, but marriages of too near consanguinity, were of sadly frequent occurrence in the homes of the poor; and he dreaded the effect upon the home of the poor man when he would be told that the highest Legislative Assembly in the whole Realm had, without any fixed principle, and without any reason alleged for it, save this, that a great many desired it, introduced a perilous relaxation of the Law of Marriage, as to which not only he, the poor man, with his dull and uneducated mind, but the most accomplished and eloquent supporters of the Bill in that House could not find a logical principle that would prevent their going on to other degrees, and to others and others again. This Bill cruelly disturbed the existing relationships of happy homes. It would not bring the advantages it was supposed it would bring; and if it did bring those advantages, those advantages would be terribly dearly purchased by the social evil, the immoral laxity, and the wild disturbance of the social relationships which the Bill would provoke. On those grounds he should vote against the Bill.

On question, that ("now") stand part of the Motion? Their Lordships *divided*:—Contents 128; Not-Contents 131: Majority 3.

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Resolved in the *negative;* and Bill to be read 2ª on *this day six months.*

PUBLIC HEALTH (FRUIT-PICKERS LODGINGS) BILL [H.L.]

A Bill to extend the Public Health Act, 1875, to the making of bye-laws for fruit-pickers—Was *presented* by The Earl STANHOPE; read 1ª. (No. 127.)

House adjourned at half past Six o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Monday, 12*th June*, 1882.

MINUTES.]—NEW WRIT ISSUED—*For* the County of Banff, *v.* Robert William Duff, esquire, Commissioner of the Treasury.

PUBLIC BILLS—*Second Reading*—Elementary Education Provisional Order Confirmation (London)* [195]; Elementary Education Provisional Orders Confirmation (West Ham, &c.)* [196].

Select Committee — Report — Electric Lighting [No. 227].

Committee—Prevention of Crime (Ireland) [157]—R.P. [*Ninth Night*].

Committee—Report—Public Schools (Scotland) Teachers [153]; Supreme Court of Judicature Acts Amendment [154].

Considered as amended—Local Government (Gas) Provisional Order* [144]; Local Government Provisional Orders (No. 4)* [159]; Local Government Provisional Orders (No. 7)* [167]; Local Government Provisional Order (No. 8)* [168]; Local Government Provisional Orders (No. 9)* [174]; Pier and Harbour Provisional Orders* [142]; Tramways Provisional Orders (No. 3)* [151].

Third Reading—Land Drainage Provisional Order* [164]; Local Government (Ireland) Provisional Orders (No. 2)* [165]; Local Government (Ireland) Provisional Orders (No. 3)* [172]; Local Government Provisional Orders (No. 2)* [145]; Local Government Provisional Orders (No. 6)* [166]; Local Government Provisional Order (No. 10)* [181], and *passed.*

PETITION.

PARLIAMENTARY OATH (MR. BRADLAUGH)—"GURNEY *v.* BRADLAUGH."

MR. LABOUCHERE said, he begged to present a Petition from George Henry Lewis, gentleman, of Ely Place, Holborn, praying that leave be given to the proper Officer of this House to attend the Queen's Bench Division of the High Court of Justice, in the action now pending, wherein Joseph Gurney is Plaintiff and Charles Bradlaugh, esquire, one of the Members for the Borough of Northampton, is Defendant, in order to produce the paper writing subscribed by him at the Table of the House on the 21st of February last, and the copy of the New Testament named in the Journals of the House on the same date. He begged also to move—

> "That leave be given to the proper Officer to attend the Queen's Bench Division of the High Court of Justice with the said paper writing and copy of the New Testament."

Motion made, and Question proposed,

> "That leave be given to the proper Officer to attend the Queen's Bench Division of the High Court of Justice with the said paper writing and copy of the New Testament."—(*Mr. Labouchere.*)

MR. NEWDEGATE said, he opposed the Motion, and should feel it his duty to move the adjournment of the debate. He had not himself been informed that the Motion would come on to-day, and he believed other hon. Members had been equally taken by surprise.

MR. SPEAKER: I must point out to the House that the House allows unopposed Motions for Returns to be taken before the commencement of Public Business; and if this were an unopposed Motion for a Return, I should say that the Motion might be made, and dealt with by the House at this period; but as the matter appears to be opposed, it will have to come on for debate when the Orders of the Day and Notices of Motion have been disposed of.

QUESTIONS.

METROPOLIS—THE PARKS—GARDENS OF THE ROYAL BOTANIC SOCIETY, REGENT'S PARK — ADMISSION OF THE PUBLIC.

MR. BROADHURST asked the First Commissioner of Works, Whether he will use his influence with the Council of the Royal Botanic Society to induce them to make arrangements whereby the public can have access to the Botanical Gardens and ground of that society situated in Regent's Park?

MR. COURTNEY: Sir, my right hon. Friend the First Commissioner of Works has no relations with the Royal Botanic Society in his official capacity. That Society occupies its grounds in the Regent's Park under a lease from the Commissioner of Woods, which does not expire until 1901. It is under covenant to use the premises as a botanic garden; but Government has no power during the present lease to compel the Society to admit the public to the grounds.

EVICTIONS (SCOTLAND)—LOCHCARRON, CO. ROSS.

MR. FRASER-MACKINTOSH asked the Lord Advocate, Whether his attention has been called to two cases of eviction on the estate of Mr. Dugald Stuart, of Lochcarron, in the county of Ross, wherein it is stated that Farquhar Maclean, aged eighty, and John Mackenzie, aged fifty-seven, crofters, have, though not owing any arrears, been evicted, the alleged grounds being that their sons, over whom parental authority has ceased, had, in vindication of character, recovered pecuniary damages for slander from the ground officer on the Lochcarron Estate; whether proceedings thus originating were legal; and, if so, will he take steps to amend the Law; whether he is aware that the public prosecutor for the county acted as agent in the evictions which have ended in public disturbance; and, whether he will issue a caution to procurators fiscal as to conducting civil processes which may end in criminal proceedings?

THE LORD ADVOCATE (Mr. J. B. BALFOUR): Sir, I have made inquiry into the circumstances of these cases, and I have ascertained that it is the fact that Mr. Dugald Stuart obtained unopposed decrees of removing against the two crofters named, who are both advanced in years, and are not in arrear with their rent. There had been a dispute between Mr. Dugald Stuart, or his ground officer, and two sons of the crofters named, in regard to the execution of some building work, in the course of which the ground officer used language which the Sheriff Substitute held to be actionable, and in respect of which he awarded £5 of damages to each of the sons. Mr. Stuart then instituted actions of removing against the crofters, with whom their sons were living in family. No attempt was made to remove Maclean, as he was unwell, but the decree was executed against Mackenzie. I understand, however, that a settlement has been, or is in course of being, arrived at between Mr. Stuart and the crofters. I see no reason to doubt that the proceedings were legal, the tenancies having been yearly, and they do not suggest any defect in the law which appears to me to require amendment. In answer to the third and fourth heads of the Question, I have to say that the Procurator Fiscal of the county was employed as a solicitor to obtain the decrees of removing in the Sheriff Court at Dingwall. There was no reason to expect that the execution of the decrees would result in disturbance; and the Procurator Fiscal, who is an able and judicious official, has never, to my knowledge, done anything calling for a caution of the kind indicated in the Question.

THE IRISH LAND COMMISSION—MR. COMYN, SUB-COMMISSIONER.

Mr. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that Mr. Comyn, one of the Sub-Commissioners appointed under the Land Act, has been recently engaged in carrying out the Act in respect of the fixing of rents in cases where relatives or family connections of his own were interested; and, if so, whether Mr. Comyn will be removed to a district where cases of this description may not come before him?

Mr. TREVELYAN: Sir, the question was started in the public Press, and received the public denial of Mr. Comyn himself.

THE IRISH LAND COMMISSION—MESSRS. WYLIE AND CUNINGHAME, SUB-COMMISSIONERS.

Lord ARTHUR HILL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that Mr. Wyllie, Chairman of the Sub-Commissioners for Tyrone, still has his name on the North-West Circuit List; that he only holds his appointment for one year, and intends resuming practice as a barrister, in nine months' time, in that district in which he now sits as judge; and, whether Mr. Wyllie will, in consequence, have to receive briefs from those solicitors who are now pleading before him in his capacity as judge; whether he is aware that Mr. Cuninghame, another Sub-Commissioner in the same district, is a partner in a seed and manure firm, having large business relations with the tenantry in this district, and that his traveller, Mr. Tatton, was soliciting orders in Castlederg, on behalf of the firm, on the same day that he was sitting in that town in his capacity of Sub-Commissioner; and, whether he will consider how far it is fair to those gentlemen to place them in the invidious position of judges in a district in which they have present and prospective business relations? The noble Lord said that, since he had put his Question on the Paper, he had ascertained that Mr. Cuninghame was a partner, not in a seed and manure firm, but in a corn merchant's or meal and flour firm.

Mr. TREVELYAN: Sir, Mr. Wylie informs me that he still has his name on the North-West Circuit List, and that on his ceasing to be an Assistant Commissioner, he intends to resume practice as a barrister on that Circuit. As to Mr. Cuninghame, the alteration in the noble Lord's Question is one of some importance. He has no business relations whatever with any of the tenantry of the district. He is not aware of any traveller of his firm having been in any town while he was sitting in it. Under these circumstances, I think the final paragraph of the Question does not require further answer.

CONTAGIOUS DISEASES (ANIMALS) ACTS—PROSECUTION AT SLEAFORD.

Mr. HENEAGE asked the Vice President of the Privy Council, Whether his attention has been called to the recent prosecutions under the Animal Contagious Diseases Acts at Sleaford; and, whether the Department agree with the magistrates that foot and mouth disease and foot rot can be so easily mistaken that several hundred sheep affected with the former could be allowed to spread the disease through several counties, without anyone being made responsible; and, if that is the opinion of the Privy Council, whether they will issue such further information as would protect small farmers of no great veterinary experience from being convicted from no fault of their own; and prevent persons who knowingly allow the removal of animals suffering from contagious diseases to the public injury from escaping the penalty?

Mr. MUNDELLA: Sir, I have seen a Report of the proceedings under the Contagious Diseases (Animals) Act at Sleaford, which were instituted by the local authorities, and in which the Privy Council were in no way concerned. The Veterinary Department is satisfied that foot-and-mouth disease and foot rot are perfectly distinct diseases, and that no competent veterinary inspector ought to mistake the one for the other. It is not necessary to issue any detailed information to the public on the subject of the symptoms of this or any other disease, because the owner of an animal suffering from any kind of illness, whether a contagious disease under the Act or not, can relieve himself of all further responsibility by giving notice of the fact to the local inspector, who is bound to attend immediately and report to the local authority. Article 122 of the Animals Order is as follows:—

> "Optional Notice of Disease or Illness.—Any person having in his possession, or under his charge, an animal affected with disease, or with any illness, or suspected of being so affected, besides giving such notice to a constable, as he is required by Section 31 of the Act of 1878 to give, may, if he thinks fit, give notice of the fact of the animal being so affected, or suspected, to the inspector of the local authority."

No person, therefore, is justified in pleading ignorance as an excuse for spreading disease.

METROPOLIS—THAMES RIVER (HUMAN CORPSES).

Baron HENRY DE WORMS asked the Secretary of State for the Home Department, Whether, with reference to the official statistics recently published, which show that the number of dead bodies found in the Thames during the last five years was 68 in the City of London district, and 1818 in the Metropolitan Police districts, 599 of which were discovered in the river without there being any evidence to show how they came there, any steps will be taken by Her Majesty's Government for securing better protection to human lives on the Thames Embankment and other roadways on the banks of the river?

Sir WILLIAM HARCOURT, in reply, said, this was, no doubt, a very important matter. Some time ago he ordered a large extra force of police to be put upon the Embankment. With reference to the general question, it would not be correct to regard these figures as giving an average at all, inasmuch as they included the *Princess Alice* year. Three years ago the number amounted to one-half. The matter was one that required further investigation, and he had directed communications to be made to all the Coroners, in order that he might see what suggestions they had to make on the subject.

Baron HENRY DE WORMS asked whether the right hon. and learned Gentleman would consider the question of erecting a central public Morgue?

Sir WILLIAM HARCOURT was understood to say that he would.

ARMY—THE BRITISH TROOPS IN NATAL.

Sir DAVID WEDDERBURN asked the Secretary of State for War, Whether he is aware that there is practically no barrack accommodation for British troops in Natal, the barracks at Pietermaritzburg being sufficient to contain four companies only; and, whether it is intended, in the event of an Imperial garrison being retained in Natal, to quarter the troops in properly constructed barracks, such as may be proof against the heavy rainfall of that country?

Mr. CHILDERS: Yes, Sir; I am well aware of the insufficiency of the present barrack accommodation in Natal; but when the strength of the permanent garrison, if any, which is to be kept there is decided, the necessary accommodation will be proposed to Parliament. In the meanwhile, the expenditure on barracks is limited to repairs and maintenance.

EVICTIONS (IRELAND)—EVICTIONS AT RYNMOUNT, CO. LONGFORD.

Mr. JUSTIN M'CARTHY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that the Irish Government have at present four policemen guarding two emergency men who are taking care of lands on the estate of Mr. Cusack, at Rynmount, county Longford, from which two families have been evicted; whether it is true that both the evicted tenants, the Widow Clyne and Mr. Gregory Yorke, are able and anxious to pay the rent for the homes in which they were born, and which their fathers had built; whether they have offered to pay what they deemed to be a rack-rent; and, whether any charge of any breach of Law was ever made against either of these two evicted tenants?

Mr. TREVELYAN: Sir, it is true that four members of the Constabulary are protecting two caretakers from the Property Defence Association who are minding the evicted farms referred to by the hon. Member. It is true that the evicted tenants were anxious to continue in their holdings, and were willing to pay a considerably increased rent to be allowed to do so. The Constabulary inform me that no charge for a breach of the law was ever made against either of them, but that, on the contrary, they are most respectable, law-abiding people. I am asking some questions about this case, which has some points of importance about it.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. JOHN GANNON.

Mr. O'KELLY asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the case of Mr. John Gannon, of Kilgefin, county Roscommon, who was arrested, with six others, thirteen months ago, and is still detained in custody, though his comrades have been released; and, whether the fact that he is a native born American has any influence on his continued detention?

Mr. TREVELYAN: Sir, His Excellency the Lord Lieutenant had Mr. Gannon's case quite recently before him; and, having regard to the fact that he was an American by birth, His Excellency ordered his release on condition of leaving Ireland for America. Mr. Gannon has refused to accept his discharge on these terms, and His Excellency cannot at present allow him to be at large in the district.

THE ROYAL IRISH CONSTABULARY—DISTRIBUTION OF THE VOTE OF COMPENSATION.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any of the sum of £180,000, recently voted by Parliament as a reward to the Irish police, will be paid to the officers and men in Clare, Mayo, and Kilkenny, against whom verdicts of "wilful murder" were returned by coroners' juries; whether a great amount of extra duty was also thrown upon the warders and others connected with the Irish prisons during the period since the Protection of Person and Property (Ireland) Act has been in force, as well as upon the police; and, whether prison officials will be entitled to participate in the reward granted to the Constabulary, or if the Government intend in any way to recognise their services?

Mr. TREVELYAN: Sir, the sum in question has not yet been voted by Parliament, and it is not intended that any portion of it is to be given to officers in the Constabulary. In the County Mayo alone were these verdicts of "wilful murder," within the past two years, brought by Coroners' Juries against any members of the Force who will be entitled to share in the proposed grant. There were two cases in that county. In one case the Attorney General obtained a conditional order on technical grounds to quash the inquisition; but instead of proceeding with it, he directed a magisterial investigation, with the result that informations were refused, and the case, therefore, was not sent for trial. In the other case, the Grand Jury at the Assizes ignored the bill. With regard to the case of the prison warders, the extra labour was met by employing extra hands. The duties of some of the superior officials in the prison service were, perhaps, somewhat more heavy than usual. Their case, however, is quite different from that of the Constabulary, and does not call for any special recognition.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—DR. O'BRIEN AND MR. DOYLE.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the case of Dr. O'Brien, of Miltown Malbay, has been reconsidered; and also that of Mr. Doyle, of Kerry; and, whether these gentlemen have been removed recently from Limerick to Kilmainham Gaol, much further away from their native place?

Mr. TREVELYAN: Sir, His Excellency has reconsidered both these cases.

In the case of Dr. O'Brien, he has decided that he may now safely be released, and the order for his release will be issued to-day. In the other case, that of Cornelius Doyle, he has decided that he cannot at present order his release. Both these persons were removed from Limerick to Kilmainham, as the former prison ceased to be a place for the detention of persons arrested under the Protection Act.

NATIONAL EDUCATION (IRELAND)—GRANTS TO NATIONAL SCHOOLS.

MR. SYNAN asked the Chief Secretary to the Lord Lieutenant of Ireland, What are the conditions upon which the Commissioners of National Education, Ireland, give grants of money to Irish National Schools; whether the grants of land must be perpetual, or quasi perpetual, and the schools vested in trustees for the Board; whether the grant of £75 to the late Lord Monteagle to build a boys' school in Shanagolden, on a thirty-one years' lease, was a violation of the conditions; whether the site of the school was a plot of ground used as a commonage by the villagers; whether the Commissioners intend to continue the grant for salaries, &c. to a school in which there are only sixteen scholars, and the majority of them the children of the teachers; and, whether the Government intend to suggest to the Commissioners the propriety of giving a grant to a school to which the parents will send their children?

MR. TREVELYAN: The first two Questions of the hon. Member are matters of great detail, and would take a very long time to answer. I have got a reply from the Commissioners of National Education, which I will show him privately. The grant of £75 was made to the late Lord Monteagle at a time when it was quite consistent with the Regulations then in force. When Lord Monteagle proposed to build the school, the law adviser of the Board inquired into the case, and was satisfied as to his title. I am informed that the Commissioners have resolved for the present to continue grants of salary to the teachers. As to the last Question, under the circumstances of the case, which I stated in answer to the Question of the hon. Member on the 19th of May, the Government do not propose to interfere with the discretion of the Commissioners.

MR. SYNAN said, he would take the earliest opportunity of bringing that matter before the House.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MR. BERNARD M'HUGH.

MR. O'KELLY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he can see his way to the release of Mr. Bernhard M'Hugh, who has now been kept in prison, on suspicion, for fifteen months, as the district of Castlerue, county Roscommon, to which he belongs, is orderly and peaceful, and in view of the fact that Mr. M'Hugh's father, a very old man, is dangerously ill, and that Mr. M'Hugh is the only support of a very large family?

MR. TREVELYAN: Sir, the Lord Lieutenant has had Mr. Bernard M'Hugh's case under reconsideration within the past day or two, and has decided that he cannot at present be released.

HIGH COURT OF JUSTICE (IRELAND) —JUDICIAL VACANCIES.

MR. GIBSON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the vacancies in the Queen's Bench Division of the High Court of Justice in Ireland have yet been filled; and, if not, when it is intended to make the appointments?

MR. TREVELYAN: Her Majesty's Government is at present in communication with Her Majesty upon this subject, and until Her pleasure has been taken, the right hon. and learned Member will see that it would be manifestly premature for me to make any statement in the House. I wish to say, in reference to an answer I have already given the right hon. and learned Gentleman, that when I said the North-West Circuit was a large one in comparison with the County Tyrone, in which the Commissioner was serving, I meant that it included five counties, of which Tyrone was only one.

MR. T. P. O'CONNOR asked whether, in considering the propriety of filling up the vacancies on the Irish Bench, the Government would take into account the fact that two of the Courts had nothing to do, and that the Court of Queen's Bench would have very little to do but for the coercive policy of the Government?

[No reply was given.]

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MR. M. J. LYONS.

Mr. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. Michael James Lyons, of Aughamore, county Mayo, who has been imprisoned as a suspect since December last, may now be liberated without detriment to public interests?

Mr. TREVELYAN: Sir, His Excellency the Lord Lieutenant ordered Mr. Lyons's release on the 8th instant.

NAVY—EXPLOSION ON BOARD H.M.S. "SWIFTSURE."

Sir JOHN HAY asked the Secretary to the Admiralty, If the men serving on board H.M.S. "Swiftsure" had been trained, before leaving Plymouth, in the use of the new 25-pound breechloading gun; what trials had taken place with the 25-pound gun prior to the gun being appropriated for service afloat; and, whether precautionary mechanical arrangements are not adopted in that gun, as for some other breechloading guns, by which it is impossible for the gun to be fired before the breech is securely locked?

Mr. CAMPBELL-BANNERMAN: No, Sir. The men serving on board Her Majesty's Ship *Swiftsure* had not been trained before leaving Plymouth in the use of the new 25-pounder breech-loading gun; but they had been trained with the old breech-loading gun, which is not so simple as the new one. As the *Swiftsure* was going to the Pacific for some years, the Admiralty was desirous of fitting her with these new guns, and this was done on the eve of her departure. It was considered that, as the mode of working them is extremely simple, the well-trained and intelligent seamen-gunners would have no difficulty in at once learning the drill, which was supplied to them. The guns have been tried at Woolwich and Shoeburyness, the trials extending over several months; and two are also mounted in a gunboat, from which 75 rounds have been fired. These guns being radial-vented, no mechanical arrangement is fitted which prevents the gun being fired before the breech is securely closed; but there is an arrangement which shows at a glance when the breech is properly closed, and the gun ought not to be primed until this is done.

HIGHWAY RATES—SMALL TENEMENTS.

Mr. ONSLOW (for Colonel BRISE) asked the President of the Local Government Board, Whether his attention has been called to the difficulties that now exist in the collection of Highway Rates from small and indigent occupiers, the auditors in some districts having called upon the surveyors to pay out of their own pockets, in cases where the rent cannot be collected; owners of small tenements not being able to compound for the Highway Rate in same way as for Poor Rate under the "Small Tenements Act?"

Mr. DODSON: Sir, my attention has been called to the difficulties in the collection of highway rates from small occupiers, in consequence of the repeal of the Small Tenements Rating Act; but I am not aware of any cases in which the auditors have surcharged the surveyors with the rates in cases where the rent of the property cannot be collected. I may add that a Bill for restoring the power of compounding for the highway rates on small tenements is in a forward state of preparation, and I hope to introduce it shortly.

PUBLIC HEALTH (METROPOLIS) — ROBIN HOOD COURT, SHOE LANE.

Mr. J. G. TALBOT asked the President of the Local Government Board, Whether his attention has been called to a Report from Dr. Saunders, Medical Officer of Health to the City Commissioners of Sewers, in which he called their attention

> "To the frightful state of certain houses in Robin Hood Court, Shoe Lane, adjacent to the back entrance to the casual wards of the City of London Union;"

and, whether he will impress upon the authorities the necessity of taking immediate steps to remove a cause of so much danger to the community?

Mr. DODSON: Sir, I have seen in a newspaper the Report of Dr. Saunders referred to in the Question as to the state of the houses in Robin Hood Court, and I observe that the medical officer recommends that they should be dealt with under the local Acts in force in London. These Acts, however, confer upon the Local Government Board no power to interfere. At the same time, I hope that, as the attention of the local authority has been directed to the subject, they will proceed to take the necessary steps to remedy the evil complained of. As regards the accumulation of casuals near the spot, I will call the attention of the Guardians to the subject, with a view of seeing how far the evil can be prevented; but I may add that the casual wards adjoining the court were carefully inspected on Saturday last, and were found to be clean and in good order throughout, and there has been no case of infection there for many years.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—POLICE PROTECTION FOR CARETAKERS IN COUNTY WICKLOW.

Mr. W. J. CORBET asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that a number of policemen have been placed with caretakers of several vacant farms from which the tenants were evicted in the parishes of Blackditches and Hollywood, county Wicklow, on the property of the Marquess of Waterford; whether it is the fact that no outrage of any kind has occurred in those districts, or in the whole county, during the land agitation; and whether, under the circumstances, the local police are not sufficient to afford protection if any is required; how many extra police are engaged in the duty, and who pays for them; and, whether, looking to the peaceful state of the county, he will order the extra police to be withdrawn?

Mr. TREVELYAN: Sir, there are four protection posts on Lord Waterford's property in the County Wicklow. There have been 45 outrages in that district since the 1st of January, 1880, attributable to the land agitation, and over 100 such outrages in the county, which is very peaceable in other respects than in agrarian crime. Twelve men of the constabulary are engaged in this protection duty. They are paid for in part by the Government, and in part by the county. Owing to the prevalence of intimidation and "Boycotting," the local authorities—magistrates and constabulary—are of opinion that isolated caretakers on evicted farms would not be safe; and I cannot, therefore, order the withdrawal of the extra police.

EGYPT (POLITICAL AFFAIRS)—RIOTS AT ALEXANDRIA—THE PAPERS.

Mr. BOURKE: Sir, I have to ask the Under Secretary of State for Foreign Affairs the Question which stands on the Paper in my name—namely, when the further Papers on Egypt will be produced; and perhaps the hon. Baronet will take this opportunity of answering two or three other Questions of which I have given him private Notice. I wish to know whether he is able to inform the House as to the state of Alexandria at the present moment; whether any of the occurrences which are reported in the newspapers as having taken place there yesterday have really taken place; whether a British officer has been killed, and the British Consul has been wounded; also, whether the British Consulate is in the possession of the captain of a man-of-war? I should like also to ask upon whom does the responsibility rest now for the peace of Alexandria; further, what are the instructions issued by the Porte to Dervish Pasha; whether they have been communicated to England, France, or the other Powers; and, whether the condition into which Egypt has lapsed is to be allowed to continue?

Lord EUSTACE CECIL: Before the Under Secretary answers the Questions of my right hon. Friend, I should like to repeat the Question which I put on Friday last—namely, Whether, since the occurrences that have taken place, Her Majesty's Government have come to the conclusion that there is any apprehension as to the personal security of the Khedive; and whether, should there be the slightest doubt in the mind of the Government on the subject, any effective measures are likely to be taken to prevent any personal discourtesy being shown towards His Highness?

Sir CHARLES W. DILKE: Sir, I hope that the further Papers with regard to the affairs of Egypt will be ready for distribution before the close of next week.

Mr. BOURKE: Next week?

Sir CHARLES W. DILKE: Yes. The Papers have been referred by telegraph to Sir Edward Malet, and probably his first answer will not be conclusive.

Mr. BOURKE: Up to what date will the Papers be delivered?

Sir CHARLES W. DILKE: I do not know that we shall be able to issue the whole to the end of May at once; but if not they will be divided into two sections, the first section coming down to the 17th of May, and the other to the end of May. The most important Papers are those about the middle of May, which will be included in the first section. With regard to the further Questions put to me by my right hon. Friend, Her Majesty's Government have received a telegram from Vice Consul Calvert, at Alexandria, dated 10.40 last night, which states that a serious riot had taken place in the afternoon between Europeans and Arabs, and that Mr. Pibworth, an engineer of Her Majesty's ship *Superb*, had been killed and many wounded, among whom were, I regret to state, Mr. Cookson, Her Majesty's Consul, and three constables of the Consulate. A further telegram from Mr. Calvert of this morning states that the women and children who sought refuge in the Consulate have been transferred to the ships, and that the military are maintaining order. Mr. Calvert adds that Mr. Cookson's injuries are not serious, and that he is convalescent. The latest telegram received this morning from Mr. Calvert is of a re-assuring nature. Sir Edward Malet has telegraphed that the Khedive has sent an *aide-de-camp* to Alexandria. The Native and the English authorities concur in advising that sailors or marines should not be landed. Sir Beauchamp Seymour has power to land them should he think it necessary; but he has telegraphed that the disturbance, though serious, was of a non-political character, and was suppressed by the Egyptian troops. Telegraphing at 2 o'clock, Mr. Calvert states that the town was then very quiet, and that everybody in the streets was being searched and disarmed. The person in the first instance responsible for order is the Governor of Alexandria, who appears to be a man of some capacity and energy. He is receiving in this curious and anomalous state of things instructions both from the Khedive directly, and also from Dervish Pasha; but as these concur completely, he has been under no practical inconvenience from that cause. It is also asked me whether anarchy will be allowed to continue? I think I must answer simply that it is, of course, impossible that such a state of things could be allowed to continue. The noble Lord (Lord Eustace Cecil) repeats a Question he put a day or two ago with regard to the personal safety of the Khedive. We have no reason to modify the answer which was then given. The telegrams from Constantinople and from Sir Edward Malet with reference to the safety of the Khedive are of a re-assuring nature.

Mr. BOURKE: The Consulate?

Sir CHARLES W. DILKE: The Consulate is in the hands of Mr. Calvert, the Vice Consul.

Mr. BOURKE: What are the instructions of the Porte to Dervish Pasha?

Sir CHARLES W. DILKE: The instructions of the Porte to Dervish Pasha were communicated to us in general terms, and in general terms they may be said to resemble very closely indeed the bases proposed to the Conference. They are almost the same.

Mr. ONSLOW: I wish to ask whether, after what has happened in Alexandria, any precautions have been taken by the Government to preserve the lives and property of Her Majesty's subjects in Cairo; and, also, whether any precautions have been taken to provide against any molestation taking place with regard to the Peninsular and Oriental steamships and other ships in their passage through the Suez Canal?

Sir GEORGE CAMPBELL: I beg to ask whether Her Majesty's Government have any information, with reference to this unfortunate collision between the Europeans and the Arabs, as to who were the aggressors in the first instance; and whether, as one of the daily papers says, the disturbance commenced by a Maltese attacking an Arab?

Sir CHARLES W. DILKE: I have seen the statement; but we have no information on the subject. With reference to the question regarding the safety of the Europeans in Cairo, I have already read some words of Sir Edward Malet, to the effect that Dervish Pasha and the Khedive concur in advising that the sailors and marines should not be landed. That applies to the safety of the people in Cairo as well as in Alexandria. Dervish Pasha states he is perfectly able to maintain order in Cairo. With reference to the Suez Canal, I may tell the hon. Member that we have gunboats at each end of the Canal, we are in telegraphic communication with Sir Beauchamp Seymour, and no reports of an alarming nature about the Canal have reached us.

Mr. O'DONNELL: I should like to ask the Government if they would make inquiry as to whether it is the case that the mob of Arabs assembled in the streets of Alexandria were only armed with clubs and sticks, while the Europeans fired upon them from their windows, and that there is a large party among the Europeans resident in Alexandria desirous of provoking intervention; whether a very large portion of European residents in Egypt, or a considerable portion, is composed of the most desperate elements in the Levant; and whether Her Majesty's Government will use their influence to supervise the action of the European residents and prevent them from provoking the Arab population, as well as in protecting British subjects against the possibility of outbreak on the part of the Arabs?

Sir CHARLES W. DILKE: I may point out to the hon. Member that the majority of wounds inflicted were caused by clubs and knives, and, in addition to this, the number of Arabs reported killed is only three; I gather, also, that there were more Europeans hurt, including Greeks and Maltese subjects, than Arabs. The British Consul was wounded by a pistol shot; and, therefore, under the circumstances, I cannot draw the inference suggested by the hon. Member.

Mr. ASHMEAD-BARTLETT: I wish to ask whether the Porte had been invited by the Government to send troops to Alexandria to quell the disturbances; and, also, whether the hon. Baronet can state how many British subjects have been wounded?

Sir CHARLES W. DILKE: We have not received any news of the nationality of the persons wounded. The telegrams speak of Europeans in general terms, without specifying nationalities. In regard to sending Turkish troops to maintain order, I must ask the hon. Member to wait until the Papers come, and he will see.

Sir HENRY TYLER: Does the Government propose to adopt the advice of Dervish Pasha and leave the Europeans to their fate?

Sir CHARLES W. DILKE: I can add nothing to what I have already stated. Sir Beauchamp Seymour has power to land seamen and marines if he thinks it advisable to do so.

Mr. NORTHCOTE: I wish to ask whether the substance of the conversation with Musurus Pasha and the conversation of Lord Dufferin will be included in the Papers to be presented to the House?

Sir CHARLES W. DILKE: I see no objection to include the conversation between Musurus Pasha and Lord Granville in the Papers, or Lord Dufferin's conversation with the Turkish Minister at Constantinople on the same subject, though as to the latter I am not so sure.

Mr. A. J. BALFOUR: Events march so rapidly now that it is extremely desirable that the Papers should be brought down to a later date than the 1st of June.

Sir CHARLES W. DILKE: The Papers are being printed as they come in, in the usual way, and nothing more can be done in the way of hurrying the later Papers, because the whole staff is at work on the earlier ones. Still, there is no sort of objection to getting them out as rapidly as possible.

Sir STAFFORD NORTHCOTE: Do I understand that the consent of the French Government has been obtained to the publication of the later Papers?

Sir CHARLES W. DILKE: Yes, Sir; the French Government has given its consent, not indeed to the publication of everything, but to enough to enable us to put our case before the House.

PUBLIC HEALTH—UNQUALIFIED MEDICAL PRACTITIONERS.

Mr. H. SAMUELSON asked the Secretary of State for the Home Department, Whether his attention has been called to recent cases of the treatment of the sick, by unqualified medical practitioners, at dispensaries at the East end of London, to the death of two children so treated, and to the observations of the coroner at the inquest upon them, on June 5th, to the effect that it appeared that a certain qualified doctor (who keeps several dispensaries) saw one of the children a few minutes before its death, and was thereby enabled to "cover the delinquencies of the other person," i.e. the unqualified person who had treated the case in the dispensary, and that "it was no doubt an unsatisfactory state of things to think that the lives of the poor were in the hands of such persons;" whether he has observed that the above-mentioned unqualified practitioner (who calls himself a colonel and a barrister, as well as practising as a medical man) admitted that, under an authorisation from the qualified doctor who keeps the dispensary, he had signed certificates in that person's name; whether he can take any steps to prevent such illegalities; and, whether he can obtain power, either by the appointment of Government Inspectors, the issue of Government licences, or some other efficacious means to prevent the sick poor from being attended by unqualified medical practitioners at the Metropolitan dispensaries?

Sir WILLIAM HARCOURT: Of course, Sir, there is no legal authority which could deal with the matters referred to by the hon. Member. The proper course would be for him to call the attention of the Medical Council, which has power to act by the 21 & 22 *Vict.* to these cases, and ask them to put the Act in force against them.

POST OFFICE — AUXILIARY LETTER CARRIERS.

Mr. J. G. HUBBARD asked the Postmaster General, Whether the petition of the Metropolitan auxiliary letter carriers that their remuneration be assimilated to that of the established Staff by certain changes, comprising, inter alia, a slight addition to their pay for each duty, an extra pay for extra work, and a week's holiday in each year, may be reasonably conceded without detriment to the public Service?

Mr. FAWCETT: Sir, the question of the position and pay of the auxiliary letter carriers in the Metropolitan district, to which my right hon. Friend refers, forms part of the larger question of the position and pay of letter carriers generally, which is now the subject of correspondence between myself and the Treasury. A final decision may be expected very shortly.

ARMY (IRELAND)—SOLDIERS AS CARETAKERS.

General Sir GEORGE BALFOUR asked the Secretary of State for War, To state how many, and in what ranks, soldiers are taken away in Ireland for duties as caretakers, and for other duties usually confided to police, and to explain under what Article of the Military Regulations, or by what powers, are enlisted soldiers withdrawn from Military duties to perform duties destructive of discipline; and to say when will such employment cease?

Mr. CHILDERS: Sir, in reply to my hon. and gallant Friend, I have to remind him that it is one of the first duties of a soldier to act in aid of the Civil power, and that the exact manner of rendering this aid must depend on the circumstances of each case, provided that the requirements of the Army Acts are always observed. In Ireland about 500 officers and men are so employed, and we have acted in the matter strictly under the advice of the Law Officers of the Crown, and on the urgent requisition of the Civil Government. Of course, I regret the necessity of this employment as much as my hon. and gallant Friend; but I cannot concur with him that it is destructive of discipline, although I shall be extremely glad when it ceases.

AFRICA (SOUTH) — CETEWAYO, EX-KING OF ZULULAND—LETTER FROM THE TRANSVAAL GOVERNMENT URGING HIS RESTORATION.

Sir WILFRID LAWSON asked the Under Secretary of State for the Colonies, Whether he is able to explain a statement made by Mr. W. E. Bok, State Secretary to the Transvaal, in a letter addressed to the British Resident in Pretoria, on January 16, 1882, that, as his Government desired to see a better state of things established in Zululand, and also to prevent bloodshed, "a call was made upon Her Majesty's Government to release the Zulu King Cetewayo;" and, if this statement be correct, whether he will inform the House what answer has been made to this message?

Mr. EVELYN ASHLEY: My hon. Friend will find a full explanation in the Papers which I have laid on the Table of the House relating to Cetewayo's detention. It is perfectly true that within the last year the Transvaal Government made representations to us urging the restoration of Cetewayo, and the answer then given was that those representations would receive due consideration from Her Majesty's Government.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MR. JAMES MONAGHAN.

MR. T. D. SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will grant a release on parole for a few days to Mr. James Monaghan of Glanidon, Westmeath, who has undergone seven months' imprisonment as a suspect, and whose mother is now believed to be very near her death, both mother and son being very desirous to meet once again before she dies?

MR. TREVELYAN: Sir, His Excellency has decided that he cannot at present allow Mr. Monaghan's release, on parole or otherwise. The lady mentioned by the hon. Member is believed to be the prisoner's mother-in-law, and not his mother.

THE ROYAL IRISH CONSTABULARY—TEARING DOWN NOTICES.

MR. T. D. SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is a fact that, on Sunday the 28th of May, a notice which was posted on the chapel of Raheenmore, county Westmeath, requesting the people of that locality to assemble to cut the turf of Mr. William Maloney, a suspect now detained in Enniskillen Prison, was torn down by the police, by which act many persons were intimidated from rendering to Mr. Maloney such assistance; and, whether the Government sanction that action on the part of the police?

MR. TREVELYAN: I find that the sub-constable at Raheenmore did take down such a notice. There would appear to have been no necessity for his tearing down the notice, and he has been called on for an explanation.

EGYPT (POLITICAL AFFAIRS) — THE ANGLO-FRENCH FLEET—SUDA BAY.

SIR JOHN HAY asked the Secretary to the Admiralty, What are the distances respectively of Famagousta, Marmorice, and Suda Bay from Alexandria, and what are the reasons which led to a preference for Suda Bay as a rendezvous for operations at Alexandria?

MR. CAMPBELL-BANNERMAN: Sir, in answer to the geographical inquiry addressed to me by my right hon. and gallant Friend, I have to say that I believe the three places named are distant from Alexandria 325 miles, 345 miles, and 417 miles respectively. My right hon. and gallant Friend further asks me why Suda Bay was selected as a rendezvous? The reason was that it is the natural place in which to assemble squadrons moving from Corfu and the Piræus.

SIR JOHN HAY asked what the Squadron had to do at Corfu?

MR. CAMPBELL-BANNERMAN, in reply, said, that the Squadron had been moved from Corfu. The British Squadron had been moved from Corfu and the French from the Piræus. Suda Bay was directly in the way from those places.

SIR JOHN HAY asked whether there were any stores at Corfu for the supply of the British Squadron?

[No answer was given.]

ADULTERATION ACTS—LARD CHEESE.

MR. R. H. PAGET asked the President of the Board of Trade, If his attention has been called to the manufacture, in the United States of America, of an article called cheese, compounded of a mixture of the bluest skim-milk and lard; and, if he will endeavour to ascertain if any of this spurious cheese is imported into this Country; and, if so, if he will take steps to insure that this compound, when exposed for sale, shall be sold only as "lard cheese," or be distinguished in such a manner as to prevent imposition to purchasers in this Country?

MR. WILBRAHAM EGERTON asked the President of the Board of Trade, Whether he has read the report of Dr. Voelcker to the Royal Agricultural Society on the composition of lard and oleomargarine cheese lately imported from America; and, whether he would cause inquiries to be made at the ports of entry relative to the importation of such cheeses, so that they may be entered and sold under their proper designation, and not as "whole milk" cheeses?

MR. CHAMBERLAIN: Sir, my attention has been directed to the manufacture of an article called "cheese," compounded of skim-milk and lard, or oleomargarine, and I am aware that this article is being imported into this country. I have made inquiries of the Custom House, but at present the import and export statistics do not make any distinction between this cheese and ordinary cheese, and I am consequently unable to give any information as to the extent of the importation; but the question of statistics is at the present time being considered by a small Departmental Committee, and I will refer the question of providing for a distinct classification in future to the Committee. As regards the sale in this country, the Adulteration Acts impose a penalty of £20 on any person selling any article of food not of the nature, substance, or quality demanded by the purchaser, without disclosing the fact, and this enactment would, I presume, serve to prevent imposition. I have also read the Report of Dr. Voelcker, alluded to by the hon. Member for Mid Cheshire (Mr. Wilbraham Egerton), and find that he states that as far as he can judge at present—

> "The lard and oleomargarine cheeses are wholesome and nutritious articles of food, which cannot be distinguished by their appearance and general properties from ordinary cheese."

I am, moreover, doubtful whether in any case it is desirable to interfere further with the production or sale of this article, even in the interests of agriculturists, as I find that Lord Vernon, who took the chair at a recent meeting of the Agricultural Society, expressed his opinion that the Society should be very careful before requesting the interference of the Board of Trade, as one of the great obstacles to butter-making was the difficulty in getting rid of the skim-milk; whereas, by the introduction of lard or oleomargarine, the dairy companies would be able to work up their refuse produce into a wholesome article of food. It appears, therefore, that the British farmer may possibly desire to enter into this manufacture.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—RELEASE OF PERSONS DETAINED UNDER THE ACT.

Sir WILLIAM HART DYKE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, in view of the terrible occurrences again reported from Ireland, Her Majesty's Government are prepared to give any assurance that they will not proceed further with the release of persons who have been imprisoned on suspicion of inciting to murder?

Mr. TREVELYAN: Sir, I cannot give an absolute assurance on this point to the hon. Baronet. In cases of arrest on suspicion made previously to his own tenure of Office His Excellency is obliged to pay great attention to the recommendations and advice of the magistrates and special magistrates in charge of districts. But in cases of suspicion of inciting to murder, His Excellency will undoubtedly take into consideration the state of things which has been disclosed by the terrible occurrences of Thursday.

STATE OF IRELAND—ILLEGAL NOTICES—"BOYCOTTING."

Sir BALDWYN LEIGHTON asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is the case that the following notice has been extensively posted in the neighbourhood of Tullamore:—

> "All true Irishmen are hereby called upon to Boycott the renegades ——— and ——— who have lately apostasized themselves by paying their rents against the wishes of their fellow tenants, and without obtaining abatement. The former has also purchased a cabin and patch of bog over the head of a defenceless orphan, and his labourers are now called upon to quit his employment;"

and, whether police have obtained any clue to the authors of this notice?

Mr. TREVELYAN: Sir, only one copy of the notice, which is correctly quoted in the Question, was found posted in the district, and it was immediately taken down by the police. The police have no evidence on which they could proceed against any party in connection with this outrage.

Mr. HEALY: May I ask the right hon. Gentleman the Chief Secretary if he has received any information that these "Boycotting" notices are frequently posted by penny-a-liners for the purpose of furnishing them paragraphs for forwarding to the English newspapers?

[No answer was given.]

CURRENCY—THE MONETARY CONFERENCE, PARIS.

MR. BRIGGS asked the Secretary of State for India, Whether, having regard to the fact that we are still maintaining a gold standard in England and a silver standard in India, and that France and the United States of America desire to restore silver everywhere to its former monetary functions, and so remove the confusion created by variations in the relative value of gold and silver, which variations have been and are seriously detrimental to our commerce, especially with India, it is the intention of the Government to promote an early re-assembling of the Monetary Conference to deal with this subject; and, whether he can inform the House when that Conference is likely to re-assemble?

THE MARQUESS OF HARTINGTON: Sir, on the 12th of April last I was informed, through Her Majesty's Secretary of State for Foreign Affairs, that the Governments of France and the United States had proposed an adjournment of the Monetary Conference, the next meeting of which had been fixed for that day, until further progress had been made in arriving at a definite basis of future discussion, subject to an understanding as to the date of its re-assembling during the present year. On the part of the Government of India I concurred in the propriety of this proposal, and stated my readiness to give the necessary instructions to its representatives to attend the Conference, whenever it was found practicable to fix the date of its meeting. As the Governments of France and the United States have throughout taken the initiative in this matter, it would appear to be rather for them than for Her Majesty's Government to take the necessary steps to promote the early re-assembling of the Conference. I cannot state when it is likely to re-assemble.

POST OFFICE—THE UXBRIDGE POST OFFICE.

MR. SCHREIBER asked the Postmaster General, Whether he will at once take steps to acquire a site in the centre of the town of Uxbridge now available for a separate post office, in which the work can be properly performed, with adequate accommodation for the public, and distinct from any private business?

MR. FAWCETT: Sir, it has already been pressed upon my notice that certain premises in Uxbridge, which happen to be vacant, would be very suitable for a new Post Office. I have given the subject careful consideration, and I have come to the conclusion that the circumstances do not necessitate the taking of these particular premises. The postmaster has instructions to make certain alterations and improvements in the present office, the situation of which is convenient; and his private business will not be allowed to interfere with that part of the premises devoted to the Post Office.

INDIA—APPOINTMENTS IN THE CIVIL SERVICE.

MR. ARTHUR O'CONNOR asked the Secretary of State for India, Whether it is a fact that the hon. Ashley Eden, on his promotion from the post of Lieutenant Governor of Bengal to be Member of the India Council, appointed his private secretary, Mr. Henry, to be one of the first grade joint magistrates over the heads of some twenty or more on the assistant list, and also over the heads of ten of the second grade, thus raising his salary from £500 to £900, and gave him also charge of a district, to which in ordinary circumstances he had no claim, thus further securing him another £250 a-year; and, whether Sir Richard Temple appointed his private secretary, Mr. Buckland, then being of the standing in the service of an assistant magistrate, to be superintendent of stamps and stationery, with a salary increased from £500 to £1,500?

THE MARQUESS OF HARTINGTON: Sir, I have investigated the cases of the promotion of Mr. Henry and Mr. Buckland, and I have no reason to think that there was anything unusual or exceptional in them. The details of these promotions and the rules of the Service regulating them are extremely technical, and I do not think it is necessary to enter into them, though I shall be prepared to defend them if they are challenged. I may, however, state that the officers immediately above and below Mr. Henry were appointed to the officiating first grade of joint magistrates and deputy collectors at the same time as himself. On the recent retirement of the Lieutenant Governor, Mr. Henry was confirmed in that grade before some of his seniors, in accordance with the well-recognized practice of the Service, that officers who have held the position of private secretary shall be transferred to a position of equal value where that is possible. For this practice there is very good reason, inasmuch as an officer holding the appointment of private secretary gives up all claim to the right to other acting appointments of whatever value. He was entitled, by his position in the Service, to the charge of the district to which he was appointed, and his actual predecessor in that district for many months before his appointment to it was a man who entered the Service on the same day as himself. Mr. Buckland was not appointed by Sir Richard Temple to be Superintendent of Stamps and Stationery. When Sir Richard Temple was Lieutenant Governor of Bengal Mr. Buckland was his private secretary. When Sir Richard Temple became Governor of Bombay, Mr. Buckland went with him as private secretary. Some time after that he was appointed Press Commissioner by the Government of India on a salary of Rs. 1,500 a-month, and subsequently, on the abolition of that appointment, Superintendent of Stamps and Stationery by the Government of Bengal. He did not take up the duties of that office, but was appointed to officiate as a magistrate of the third grade.

INLAND NAVIGATION (IRELAND)—FLOODS AT KILLALOE.

Mr. ARTHUR O'CONNOR asked the Financial Secretary to the Treasury, Whether his attention has been directed to the great possibility of exceptional damages from summer floods during the present year, in the Valley of the Shannon, below Meelick and above Killaloe, by reason of the flood waters from above Meelick being unable to pass Killaloe, owing to the works at the latter place being in a more backward state than the works at the former; and, whether the Board of Works contemplate taking any steps, and, if so, what steps to obviate the danger?

Mr. COURTNEY: Sir, the contingency anticipated by the hon. Member has been fully provided against. It is probable that the works at Killaloe will be completed as soon as those at Meelick; but should they not be so, the sluices can be so managed as to guard against an accumulation of flood water. I am assured that no sluices will be opened at the risk of injury to lands below.

ARMY—PAY DEPARTMENT.

Colonel O'BEIRNE asked the Secretary of State for War, Whether it is not a fact that, by the regulations of the Service, the officers in the Pay Department are, in the performance of their duties, and in all matters of discipline, subject to the immediate authority and directions of the Military officers under whom they may be serving; if he will explain, therefore, how the officers of the Pay Department can be, in matters relating to discipline, subject likewise to the orders of the Accountant General; and, whether it is contemplated to have the Pay Department represented at the War Office, and placed on an equality in this respect with the Chaplains, Commissariat, Transport Staff, Medical Ordnance Store, and Veterinary Departments?

. Mr. CHILDERS: Sir, I am really at a loss to understand why my hon. and gallant Friend asks this Question. In reply to his former Question on the 22nd, I told him that there was underlying it the very Question which he puts now, and I said that it was one of those affecting this Department which I was going to consider. I can really add nothing to this at present, except that, as a matter of fact, these officers are already for military discipline under the Commander-in-Chief.

IRELAND—AGRARIAN OUTRAGES—THE RETURNS.

Mr. BUXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Why the Returns of Agrarian Outrages (Ireland), issued in March, April, and May, have all been given under different headings; and, whether, considering the extreme gravity of the subject, it would not be possible that in future these Returns may be given from month to month in precisely the same form?

Mr. TREVELYAN: I am obliged to the hon. Member for calling my attention to this matter, and I have now given instructions for having these Returns prepared for the future in precisely the same form.

INDIA—FORCED LABOUR AT ASSAM.

MR. O'DONNELL asked the Secretary of State for India, If he is aware that forced labour is exacted from the people of Assam by the British authorities; and, if he has approved of such exaction of forced labour?

THE MARQUESS OF HARTINGTON: Sir, I am not aware that forced labour is exacted from the people of Assam by the British authorities. Some complaints appear to have been made that the village head men, who are responsible for the maintenance of the local roads, &c., sometimes improperly exact labour from the villagers for that purpose. These complaints appear to have been brought to the notice of the Chief Commissioner and of the Government of India. In the wild tracts known as the Naga and Garo Hills, which have lately been the scene of military operations, one of the conditions made with the people on the pacification of the country is that they shall give a certain amount of labour annually at a low rate to construct roads, &c.

MR. O'DONNELL asked if the attention of the noble Lord had been directed to the letter of a newspaper correspondent, in which it was stated that advances were made in money to these labourers, and that if they refused to receive them or to work they were dragged from their homes and subjected to ill-treatment and imprisonment, and that it was notorious that the only way to avoid this treatment was to propitiate the officers by bribes; and, whether Her Majesty's Government were aware that the forced labour had been characterized by *The Hindoo Patriot* as a slave-grinding system?

THE MARQUESS OF HARTINGTON said, that he was unable to accept the statement referred to by the hon. Member. His attention had been called to it, and he would cause inquiries to be made.

INDIA—NATIVE ESTATES—APPOINTMENTS OF MANAGERS.

MR. O'DONNELL asked the Secretary of State for India; If he is aware of the practice of appointing relatives of high-placed British officials in India to lucrative situations in the management of large native estates; and, if he has received any complaints on the subject?

THE MARQUESS OF HARTINGTON: No, Sir, I am not aware of such a practice, nor have I received any complaints on the subject.

MR. O'DONNELL asked if the noble Marquess would lay on the Table the letter of resignation of a gentleman in Bengal, who had held one of these appointments?

THE MARQUESS OF HARTINGTON: If the hon. Member will put the Question on the Paper, I will make inquiries.

THE CHANNEL TUNNEL SCHEME.

MR. MONK asked the First Lord of the Treasury, Whether any further delay is desirable before the Channel Tunnel Bills are submitted to the consideration of the House for their Second Reading; and, if so, whether he can state when the Government will be prepared to express an opinion upon them?

MR. CHAMBERLAIN: Sir, my right hon. Friend has asked me to reply to this Question. It has already been stated by Earl Granville in the House of Lords that it is the intention of Her Majesty's Government, so far as lies in their power, that the Channel Tunnel Bills shall not be proceeded with at all until the Government are in a position to express an opinion on the subject. I have been informed by my right hon. Friend the Secretary of State for War that the Committee which was appointed to consider whether the Tunnel could be made useless to any enemy in time of war have reported, and that their Report has been referred to the military authorities for a strategical opinion on the whole question, which he hopes to receive in the course of a few days. As soon as this opinion is in our hands we shall further consider the subject, and hope shortly to be in a position to offer advice to the House.

EGYPT (POLITICAL AFFAIRS)—THE PROPOSED CONFERENCE.

BARON HENRY DE WORMS asked the First Lord of the Treasury, Whether, in view of the facility with which the Suez Canal could at any moment be destroyed from its banks, thereby blocking the communication of England with India by that route, and inflicting disastrous losses upon British commerce, which represents eighty per cent. of the whole European trade passing through the Canal; and also in view of the recent cession of Assab Bay to Italy, and the consequent probability of that harbour becoming an Italian naval arsenal, Her Majesty's Government will take steps for insuring, at the proposed Conference, the recognition of the preponderance of British interests in Egypt, so as to prevent the free communication of England with India from being suddenly stopped in the event of any European complication? The hon. Member wished also to ask whether with reference to the statements of Lord Granville in a despatch to Lord Dufferin of the 9th of January last, to the effect that the policy of this country as regards Egypt must be to maintain the absence of any preponderating influence on the part of any single Power, the Government were prepared to carry out that policy; and, whether they did not consider it necessary for the security of the maintenance of communications with India that the influence of England should preponderate in Egypt?

Mr. GLADSTONE: Sir, with regard to the preliminary portion of the hon. Member's Question as to the facility with which the Suez Canal could at any moment be destroyed from its banks, I have to say that the report of the authorities is quite different from that. It is to the effect that to destroy or even permanently to injure the Canal would be extremely difficult, from the nature of its construction, if, indeed, it would not be quite impossible. With regard to the cession of Assab Bay, the Government are not aware of any such cession. There is an establishment of the Italian Government there, with respect to which we have received an assurance from that Government that that establishment will be of a purely commercial nature, and that it will not be fortified or turned into a military post. With regard to the instructions to be given at the proposed Conference, we are precluded on general grounds from stating what instructions will be given to the British Representatives there, particularly in a case where it may be considered necessary that England, in conjunction with France, should be specially responsible in regard to the initiative. Finally, as to the citation of the hon. Member from the despatch of Lord Granville, I really have no interpretation to offer, because I think it is quite plain in itself, and we shall abide by it as it stands.

Mr. PULESTON asked the First Lord of the Treasury, Whether, if the proposed Conference meets, Her Majesty's representative will be directed to call the attention of the Plenipotentiaries to the state of things recently created in Tunis by the action of the French Government?

Mr. GLADSTONE: Sir, it is the opinion of Her Majesty's Government that it would not be expedient to make any attempt to enlarge the scope of the Conference, and that such an attempt would be unfavourable to the object for which the Conference was to meet.

Mr. A. J. BALFOUR (for Sir H. Drummond Wolff) asked the First Lord of the Treasury, Whether, inasmuch as the Conference proposed to be held at Constantinople is to be composed of representatives of the Powers signatories of the Treaty of Berlin, Her Majesty's Government will instruct the British Plenipotentiary to call the attention of the Conference to the non-fulfilment of certain stipulations of that Treaty, viz. those providing for the introduction of reforms into Asiatic and European Turkey, the demolition of the Bulgarian fortresses, and the assumption of a portion of the Ottoman debt by States now in possession of territory which, before the late war, formed part of the Ottoman Empire?

Mr. GLADSTONE: In regard to this Question I must make substantially the same answer. I am sorry that the hon. Member for Portsmouth (Sir H. Drummond Wolff) is not himself in his place, because I should have been glad to acknowledge his title to put the Question on account of the laborious and useful part which he took in the improvement of one of the provinces of Turkey; but, again, I think the introduction of this subject would not promote the purpose for which the Conference would meet.

ARREARS OF RENT (IRELAND) BILL— THE ESTIMATES.

Sir STAFFORD NORTHCOTE asked Mr. Chancellor of the Exchequer, If he will lay upon the Table an estimate of the gross amount of arrears of rent in Ireland proposed to be dealt with under the Arrears of Rent (Ireland) Bill, and the amount proposed to be contributed from public funds; together with any Return or other information in the possession of the Government on which these estimates were framed?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GLADSTONE): Sir, in reply to the Question of the right hon. Gentleman, I have to say that I think an estimate of the amount charged in the Arrears Bill, in the sense in which the term is commonly used, can hardly be given from the nature of the case; but we are doing our best to gather together the most useful and authentic illustrative information we can get in order to place hon. Members in possession of some facts as regards this subject. That information will be made known to the House before it goes into Committee on the Bill. The heads upon which we would either have information, or, at all events, do our best to form an opinion, are, in the first place, the total amount of valuation in Ireland of holdings under £30 per annum. Then there is the total amount of those holdings up to £30 valuation. A third point is the number of holdings, which are returned in the Poor Law Report at 585,000. As regards that, a large reduction will, I believe, have to be made, and we shall not have to deal with more than 350,000 possible subjects of the Arrears Clauses—possible, that is to say, if the rents have not been paid. Then as to a question of more difficulty, which we are endeavouring to examine into as well as we can—namely, as to the deduction to be made from the total valuation and the total rent corresponding with it on account of the difference in the number of holdings, that is a very difficult matter, and one on which I am afraid we can get nothing except the opinions of the best-informed persons. Besides this, we have got accounts from a considerable number of counties in Ireland, especially in Leinster and Connaught, showing, as a matter of fact, what proportion of estates have arrears upon them and what have not. Then, finally, we have such information as the Board of Inland Revenue can supply with regard to the amount of claim by the landlords in respect of unpaid rents. These are the heads of the matters which we are desirous of laying before the House before it goes into Committee on the Arrears Bill.

MR. BRAND asked if care would be taken in the estimate to make allowance for the effect of Sub-section 3 of Clause 1 of the Bill?

MR. GLADSTONE: Oh, certainly, Sir; that is an important point, about which we shall endeavour to arrive at a sound judgment.

PREVENTION OF CRIME (IRELAND) BILL—THE PROTEST OF THE JUDGES.

MR. HEALY asked the First Lord of the Treasury, If he has now received the protest of the Irish Judges against the abolition of trial by jury in Ireland, and what reply it is intended to make thereto, or if any has been sent?

MR. CALLAN asked the First Lord of the Treasury, Whether, since his statement to the House that no communication or memorial from the Irish Judges had reached him or any of his colleagues in the Cabinet, he has received a letter from the Lord Chief Justice of the Queen's Bench, Ireland, stating that the resolution come to by the Judges had been forwarded, when passed, to the Lord Lieutenant by the Lord Chancellor; whether such letter and resolution had not, in fact, at the time been received by the Lord Lieutenant; can he state what answer has been returned to the letter and resolution of the Judges so forwarded; and, is it still his intention to persist in imposing distasteful duties on the Irish Bench; whether, as stated in the "Freeman's Journal" of Friday last, the Judges had on the preceding day again met and passed a resolution reiterating in language of increased emphasis the former declaration; and, whether he will have any objection to place upon the Table a Copy of these resolutions of the Irish Judges?

MR. GLADSTONE: I think the answer I gave on a former occasion was not quite accurately understood. Immediately after making it, I learnt that the resolution of the Judges had been communicated to the Viceroy of Ireland, but in a manner which did not appear either to him or to us to require a formal answer. Of course, in view of the Bill now before the House, it is for Parliament to say whether these duties shall be imposed on the Irish Judges or not.

Mr. CALLAN asked whether there would be any objection to lay a Copy of the resolution on the Table of the House?

Mr. GLADSTONE said, there would be no objection.

Mr. HEALY asked what answer was to be returned?

Mr. GLADSTONE said, that, in their opinion, the resolution did not call for any reply.

THE IRISH CHURCH FUND—ESTIMATED ASSETS.

Lord GEORGE HAMILTON asked the First Lord of the Treasury, If, in the Return of the estimated receipts of the Irish Church Fund for the next fifty years, which has just been issued, he is satisfied that a sufficient deduction or allowance has been made for the reduction or postponement of rent, interest, and other income receivable by the Commissioners, and that the estimated assets of the Fund can be relied on as accurate and capable of realisation?

Mr. GLADSTONE: Sir, my estimate was a minimum of £1,500,000. I will lay on the Table a further Paper, which will, in effect, contain a better answer than could be given across the Table of the House. It will show the ground on which we have proceeded in our estimate, and I have every reason to believe that our calculations will prove correct.

Mr. MULHOLLAND asked the First Lord of the Treasury, Whether the thirty-seventh section of "The Irish Church Act, 1869," requires that the accounts of receipts and expenditure of the Irish Church Fund for each year shall be presented to Parliament within five months after the expiration of such year; and, if so, why the accounts for the year 1881 have not been so presented; and, whether he could inform the House on what day they will be laid upon the Table?

Mr. COURTNEY: Sir, the hon. Member correctly states the directions of the 37th section of the Irish Church Act. The Irish Land Commission, who have now charge of the Church property, asked the Treasury to change the end of the year of account from the 31st of December to the 31st of March, so that the Church Fund account might run to the same date as the other accounts made up by the Land Commission; and the Treasury assented to the change. The Church account is, therefore, under this arrangement, not yet due.

THAMES NAVIGATION—THE THAMES BELOW BRIDGE.

Mr. THOROLD ROGERS asked the Secretary of State for the Home Department, If he is able to inform the House whether the Government intend to take any steps with a view of improving the condition of the river between London Bridge and Gravesend?

Sir WILLIAM HARCOURT, in reply, said, that, in concert with his right hon. Friend the President of the Local Government Board, he had been considering the constitution of a small professional Royal Commission to inquire into this subject. The preliminaries were on the point of completion, and he hoped the Commission would institute the inquiry very shortly.

PREVENTION OF CRIME (IRELAND) BILL—THE CONDITION OF IRELAND.

Mr. MONK wished to ask the Prime Minister a Question of which he had not given him Notice. He wished to ask whether, considering the large amount of innocent blood now being shed day after day in Ireland, he was prepared to ask the House to vote Urgency with respect to the Prevention of Crime (Ireland) Bill?

Mr. O'DONNELL said, that before the right hon. Gentleman answered that Question, he should like to ask him if his attention had been called to the following declaration with regard to outrages in Ireland. It was in the form of a Pastoral from the Archbishops and Bishops of the Catholic Hierarchy in Ireland. It was as follows:—

> "We should fail in our duty, without in any sense excusing the crimes and offences which we have condemned, if we did not declare that in our belief they would never have occurred had not the people been driven to despair by evictions and the prospect of evictions for the non-payment of exorbitant rents. Furthermore, the continuance of such evictions, justly described by the Prime Minister as a sentence of death, is a permanent incentive to crime."

He would ask whether Her Majesty's Government would postpone all other legislation until some measure for the immediate stoppage of evictions on the non-payment of exorbitant rent was passed?

SIR HENRY TYLER wished to ask whether it was the intention of the Government during the passage of the Prevention of Crime Bill, and before it could be completed, to take any further measures for the prevention of murder, outrage, and crime in Ireland?

MR. GLADSTONE: My attention has been called generally to the document to which the hon. Member for Dungarvan (Mr. O'Donnell) refers, and I am not sorry that he has quoted certain words of mine in it, because I wish to say that it is entirely under a misapprehension that the opinion is said to have been expressed by me that a sentence of eviction is a sentence of death. What I said was, in my own judgment, whether rightly or wrongly, altogether different from that—namely, that, taking into account all the circumstances of the time and the condition of all but famine in which a number of people were, it could be no great matter of surprise if, from their point of view, a sentence of eviction appeared to be a sentence of death. It was not a statement made by me; I said it would be no great wonder that the people should think so. With respect to the other matters in the letter referred to, they do not call for any expression of my opinion, but rather belong to a discussion on the general state of Ireland. Speaking from memory, I think I am quite correct in the substance of what I have said as to the words attributed to me. With regard to the Question of the hon. Member for Gloucester (Mr. Monk), it is a subject of constant anxiety with us how we can promote and expedite, to the best of our ability, the passage of this Bill. The time spent upon it has been considerably longer than we should have desired, and, perhaps, than we may have considered altogether reasonable. But then I am bound to say that it is an opinion which the Government has had to form many times during the present Session in regard to particular debates; and we are also bound to bear in mind that we have been discussing some of the nicest and most difficult questions, involving Civil rights, that this House can be called upon to consider. The modification of trial by jury, and the giving of a new application to the law respecting intimidation, are certainly matters on which we should not think ourselves warranted in attempting to draw the line between liberty and excess. We shall endeavour to consider, if necessary, what measures we ought to take to expedite the proceedings of the Committee; for while I do not hesitate to say now that we have got through all those difficult subjects, I hope I am not too sanguine in anticipating some more speedy progress. My hon. Friend inquires whether we will not ask for Urgency; but to ask for Urgency is one thing, and to obtain it is another. I think the circumstances under which we shall ask for Urgency will be such that, so far as we can judge, the House will be willing to grant it. We are not desirous of complicating the matter if we can possibly avoid it. I do not understand the Question that has been put to me by the hon. Member for Harwich (Sir Henry Tyler). We are now legislating on the subject of the prevention of crime in Ireland; and I do not understand what the Executive can do more, while that legislation is under the discussion of the House, than what we have been doing, and are doing, to the best of our ability—namely, to use to the utmost extent the forces that Parliament has placed in our hands for the maintenance of peace and order.

MR. HEALY inquired whether the Government intended to take any steps to prevent the execution of evictions in cases pending before the Land Commission?

MR. T. P. O'CONNOR wished to know whether, on the second reading of the Compensation for Disturbance (Ireland) Bill in 1880, the Prime Minister did not use these words—

> "It is no exaggeration to say, in a country where the agricultural pursuit is the only pursuit, and where the means of the payment of rent are entirely destroyed for the time by the visitation of Providence, that the poor occupier may in these circumstances regard the sentence of eviction as coming for him very near to a sentence of starvation. . . . In the failure of the crops, crowned by the year 1879, the act of God had replaced the Irish occupier in the condition in which he stood before the Land Act. Because what had he to contemplate? He had to contemplate eviction for non-payment of rent, and, as a consequence of eviction, starvation."—[3 *Hansard*, ccliii. 1663.]

He wished to know whether the Prime Minister did not declare that a sentence of eviction was equivalent to a sentence of starvation?

Mr. GLADSTONE: I have used many words since that speech was delivered; but, speaking from memory—though, I am sorry to say, my memory is not as good as it once was—I do not hesitate to say that the second passage expresses with great exactitude what I said; and with reference to the first passage, it entirely corresponds with the account which I gave just now.

SCOTLAND—LOCAL TAXATION AND EXPENDITURE.

Mr. ANDERSON asked the Lord Advocate whether the Return lately presented to Parliament was intended to give an accurate and complete statement of the local taxation and expenditure of Scotland?

The LORD ADVOCATE (Mr. J. B. Balfour): The Parliamentary Paper referred to by my hon. Friend contains only the Returns of Local Taxation in Scotland, now made for the first time under the Local Taxation Returns Act of last year. Returns applicable to the three subjects mentioned in the Question were previously required to be made by law, and such cases were exempted from the operation of the new Act. These Returns are consequently not included in the Paper referred to; but they will be presented separately, as they have hitherto been.

Mr. ANDERSON: May I ask whether the learned Lord could arrange that these Returns should be given in one Report, so that it may be possible to see at once the total amount of local taxation in Scotland?

The LORD ADVOCATE (Mr. J. B. Balfour): I shall see whether that can be done. It would plainly be very desirable.

PARLIAMENT — BUSINESS OF THE HOUSE—MORNING SITTING.

Mr. DILLWYN asked if the Prime Minister would inform the House whether he proposed to take a Morning Sitting to-morrow?

Mr. GLADSTONE said, that the experiment of Tuesday last, and the use to which the hours between 7 and 9 were put, were not encouraging, and he should, therefore, propose that the House should meet at 2 to-morrow.

ORDERS OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[Bill 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 9th June.*]

[NINTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART II.

Offences against this Act.

Clause 4 (Intimidation).

Amendment again proposed,

At the end of the Clause, to add the words "Provided, That no refusal by any person to deal with another in the way of the trade, business, or employment of either; and no declaration of intention not so to deal, and no resort to the practice of what is commonly known as exclusive dealing, shall of itself be deemed to be intimidation."—(*Mr. Healy.*)

Question proposed, "That those words be there added."

Mr. HEALY said, he had proposed that Amendment on Friday, and he thought that it was a very reasonable one. He did not see why they should wish to import into the law a principle which had never yet been applied to the law of any country. His object was to provide that no act should be treated as intimidation unless it was of a specific and real character; and he wished to get from the Government a declaration that they did not propose themselves to use the Bill for purposes of intimidation. There were two kinds of intimidation—the intimidation alleged to be struck at by the Bill, and the ordinary intimidation which had so long been practised by the Irish police. The Irish Members desired to induce the Government to insert certain specific words in the Bill, in order to prevent the police from harassing shopkeepers and others in the exercise of their trade and business. The Amendment proposed that if a man in the way of trade, business, or employment refused to deal with another, that such refusal should not be held to be penal, and that a declaration of the intention of one man not to buy from or sell to another should not be construed to mean "intimidation" under the provisions of the Bill. He proposed the Amendment for the purpose of obtaining from the Government a satisfactory statement as to their intentions. If the noble Marquess the Secretary of State for India (the Marquess of Hartington) were in his place, he would have asked him if it was not a fact that a system of "Boycotting" prevailed in India under the protection of the English Government and the English police? If a man connected with a particular caste desired to enter a place of worship belonging to a caste from which he might have been expelled, or to associate with the members of the same caste, the Indian police, so far from protecting him, would aid in "Boycotting" him, and in doing so they would be sustained by the Government of India. In all matters affecting caste one man was prevented from buying from or selling to another, and the "Boycotters" were protected by the Government. It was said that in India there was no Constitutional government. In Ireland Constitutional government did exist; but in Ireland the Government proposed to attack a system which was not only permitted, but actually maintained and protected in India. He wished to know why this disparity should exist in the case of Ireland; why the people there should be placed in a worse position than the Natives of India, with regard to whom the Government were ready to carry out caste prejudices and caste observances? He wished to point out to the Government that it was quite impossible to deal with "Boycotting" under this Bill, and, therefore, any attempt they made to do so must be ineffectual. As he understood the matter, the Government proposed to make it penal for a man to refuse to sell goods or trade with another man. That was all very well; but who, as a rule, were the objects of this "Boycotting" system? They were persons who had taken evicted land; and in order to take evicted land—to take a farm from which another person had been unjustly evicted—and to make that farm profitable, they must obtain for them the means of selling as well as the means of buying. It would be of very little use for a land-grabber to say that he should have facilities to buy provisions at a shop, if they did not obtain for him facilities for selling his own stock. Twenty policemen might drive a man's pigs to market, but 200,000 policemen could not make a man buy them when they reached there. He asked, then, how could the Government, by this provision, hope to cope with "Boycotting?" They could secure that the men who were the objects of "Boycotting" should obtain bread, by giving the shopkeeper six months' imprisonment if he refused to sell; but if a man wanted to sell his own stock, or butter, or anything else he possessed, they could not oblige a man to buy from him. That being so, what was the object of this clause? A man could obtain the necessaries of life by placing shopkeepers under a penalty of six months' imprisonment if they refused to supply him; but one of the necessaries of life was selling as well as buying, and how could they obtain for a man a purchaser for his goods if the people declined to buy them? That was the position taken by the Irish Representatives upon this clause, and they held that this provision would simply be used for the purpose of police persecution. It had often been said that the police of Ireland was a purely military organization, and, therefore, they were not so well able to detect crime as the ordinary police. Now, that was only one reason, and a very partial and incomplete reason. The reason why the police were unable to detect crime in Ireland was, that nine-tenths of the population detested the police. They never gave them any help or aid or comfort, because the Constabulary Force of Ireland was a detestable and obnoxious institution in the eyes of the masses of the people. And why? Because the police in Ireland only discharged three functions. If they found a donkey straying on the roadside they took it to the pound; if they saw a man driving a cart to market, they looked to see if he had his name on it, and if he had not, they brought him up and had him fined five shillings and costs; and if they saw a man the worse for liquor, although he might not be molesting anybody, they took him into custody. Those were the three things which the police did, and nothing more. They were very good for oppressing the people of Ireland, but beyond that they were of no use at all. They were occupied from Sunday to Sunday in doing nothing beyond what he had described, and that was the reason why they had not succeeded in obtaining the sympathy of the people, and why they were unable to detect crime. This Act proposed to put an additional weapon in the hands of the police. A man would be able to go into a shop, and say to the shopkeeper, "Have you got any butter?" If the man answered, "No, I have not," the police might be called in, and would say, "You are intimidating this man; and if you don't supply him with what he wants, we will take you before the magistrate, who will give you six months' imprisonment." The proposition of the Government amounted to this—that if a man asked for an article, and the shopkeeper refused to give it to him, by saying "I am out of that article," he was liable to fine and imprisonment. If the Government did not mean that, what did they mean? That was his view of their meaning; and all he asked was that the Government should provide in the Bill some safeguard that the measure would not be used in the manner alleged. There was nothing in the Bill to prevent the most malignant abuse of its provisions; and he contended that it would be malignantly and perversely abused. Could the Government show, by reference to any previous Acts of Parliament, either in this or any other country, that such a provision had ever been enacted? He challenged the Home Secretary, who was so well-known for his historical research, to find, even in Anglo-Saxon times, such a provision enacting that people were not to buy from and sell to whom they liked. What he proposed by the Amendment was that exclusive dealing should not be touched by the Government. Now, the phrase "exclusive dealing" was not a phrase of his own, but it was sanctified by having been made use of last year by the Prime Minister. Was exclusive dealing the exclusive property of the Irish tenants? The right hon. Gentleman told them then it was frequently used against Railway Companies and Steamboat Companies and others; and the Prime Minister asked the ex-Chancellor of the Exchequer, the right hon. Member for North Devon (Sir Stafford Northcote), if that was what he meant in asking the Government to deal with "Boycotting." Why had the view of the Government changed now? What reason could they allege for the change on their part; and why had not the Prime Minister, who last year made excuses for "Boycotting," explained why he proposed to introduce a provision of this kind now? He hoped the Home Secretary would be able to show the Committee something that ran parallel with the provision they were now enacting in the enactments of other countries. Could he show from the copious sources of his information any reference to any previous Act passed by England, or by any other country under the sun, which proposed to make buying or selling under these conditions a crime? He challenged the Home Secretary to do so; and he said further, that so far as the right hon. Gentleman attempted in Ireland to cope with "Boycotting," his Acts of Parliament and all his efforts would be fruitless. Although they might compel a man, under a threat of imprisonment, to sell to another man, they could not compel a man to buy of him. Therefore, as far as the provision was directed in favour of land-grabbing, the clause would be quite useless. The Prime Minister said that, in the view of the people of Ireland, a sentence of eviction came very near to a sentence of starvation. The Prime Minister had called the Irish Members to task for not employing the phrase "unjust eviction." In the language which the right hon. Gentleman himself employed that qualifying adjective was absent. The words he used himself were "eviction comes near to starvation." A man went in and seized a holding, and made himself a co-partner in the sentence of eviction carried out by the landlord; and could anyone fail to feel that the land-grabber in doing so had committed an immoral act? It might be said he had not done an act which he had not a legal right to do; but there were higher rights than legal rights—there were moral laws—and he (Mr. Healy) contended that it was an unjust act, and an offence against decency, and an offence against the Law of God, that a man should take a farm from which another man had been unjustly evicted, and which practically amounted, in the words of the Prime Minister, to bringing down a sentence of starvation upon the head of some unoffending tenant. The Committee should take into consideration local colour and local prejudice. Why should they propose to legislate in this manner for the Irish people? All the Acts they might pass—if they went on passing them until Doomsday—would not get it out of the minds of the Irish people that, in the words of the Prime Minister, a sentence of eviction was a sentence of starvation; and anybody who lent himself to carrying out a sentence of starvation would commit a heinous and detestable act, and the natural corollary of that act was that he should be punished by every means the people had of punishing him, and the law ought to give him no protection. To quote the words of Shakespere—

> "The world is not thy friend, nor the world's law;
> The world affords no law to make thee rich.
> Then be not poor but break it."

That sentence was used by Lord John Russell in a former debate on Ireland in 1852. The Prime Minister quoted it and reinforced it when he introduced the Land Act in 1870; and the Government, in carrying out a vindictive Statute like this, were simply depriving the Irish people of the only weapon they possessed for their own protection. The law gave these people no protection. Parliament had passed a Land Act which enabled a man to go into Court and get a fair rent fixed; but he might be four years before he had that fair rent fixed, and in the meantime the landlord might come down upon him and evict him for non-payment of a rent which might afterwards be declared to be unjust. Nobody but a malefactor would take an evicted farm; and yet the Government came in and proposed to protect a man whom the common sense and sympathy of the people condemned as an unjust man, actually engaged in stealing things that belonged to his neighbour. And, more than that, the Government constituted themselves his defenders, for the purpose of defeating their own Act of Parliament. They had passed an Act of Parliament to enable a fair rent to be fixed. Owing to the cumbrousness of that Act it could not come into operation immediately; and the result was that evictions took place, and the people appealed to an unwritten law—as if unwritten law had never been heard of except in Ireland—whereupon the Government stepped in and defeated their own Act by enabling the man who had taken the land unjustly to retain it. This Bill would only exasperate the people further, and, in his opinion, it was merely calculated to lead to the commission of crime. It was called a Bill for the Prevention of Crime; he thought it would be more happily described as a Bill for the Promotion of Crime. It would inevitably lead to crime; and he implored the Government to leave to the people, whom the law, unfortunately, did not protect, the only weapon they had in their hands for protecting themselves. If the Government made it a crime to "Boycott" a man, they might rely upon it that the people would resort to other means. ["Order!"] He said it advisedly. If the Government made it illegal for the people to use the only means they had of protecting themselves—if they deprived them of all means of enforcing their own Statutes—they might rely upon it that the people would fall back upon some other means. ["Order!"] The hon. Member for Galway (Mr. Mitchell Henry) cried "Order!" but all the cries of the hon. Member and of the House would not alter human nature. He was speaking not of an Irish tendency simply, but of human nature. The people of Ireland had hitherto had a weapon by which they could protect themselves. That weapon the Government now proposed to take away from them, and they would fall back upon other means, and, to use the phrase of Louis Napoleon, "quitting legality enter on the lines of right." A very important statement from the Catholic Bishops, with a Cardinal Prince at their head, was published yesterday, and those right rev. Prelates, numbering some 30 or 40 ecclesiastics of the highest position and responsibility, declared upon their responsibility—a responsibility, in their minds, as grave and as serious as the responsibility attaching to the Government of the country—that evictions were the root and parent of crime in Ireland. That being so, what did the Government propose to do? They proposed to take away from the people the only means and the only protection the people of Ireland had against land-grabbing. They had been told by *The Times*, and other newspapers, over and over again, that over-competition for land was the curse of Ireland. The only means they had of checking that system was to organize themselves and prevent men from taking farms from which other men had been improperly evicted. It must be remembered that the people who resorted to these practices had not the same means of making their views felt as the English farmers. He had heard of a case in Scotland where the tenant of a noble Lord who had been paying £4 an acre for the land he held came to the conclusion that he would, in future, only pay £2, and the surrounding farmers agreed to support him. They discussed the question, and came to that decision upon it at their hunts, and at their farmers' ordinaries on the market day in the market town. Nothing of the sort could take place in Ireland. The Irish tenants had not the same means of intercourse. They were unable to communicate with each other. They did not hunt as the English farmers did; they did not meet in the market town and dine together. They were too poor for that. And no institutions of that kind were to be found in Ireland where the members of the farming class could meet together. Now that the Land League was struck down they had no means of protection whatever; and it was against this miserable set of serfs the Government now proposed to legislate and to take away from them the only weapon they could use. When this Bill passed they would be absolutely defenceless. The law would give them no protection whatever. The Act of last year, according to the admission of the Prime Minister, was passed for their protection; but a majority of them would be unable to obtain the benefit of this protection for the next three or four or, perhaps, five years; and while the Government declared that these people were entitled to protection, and to have a fair rent fixed for them, they were snatching from them every other means of protection they possessed. In legislating for the English trade unions certain kinds of combinations were rendered legal. Why did not the Government allow to the Irish farmers exactly the same right? Why should the Government, by insisting upon the insertion of these harsh and tyrannical clauses in their Bill, exasperate every man in Ireland? In his view, they were doing nothing else. He deplored and lamented the position which the tenant farmers would occupy after the passing of this Bill. But it was indelibly implanted in his mind that the more of these Bills they had the more they would be likely to have. That being so, he could see nothing in the future of Ireland, if the Bill was put in force—as he expected it would be—in that spirit of vindictiveness and ferocity which distinguished the Executive of Ireland in the past, but an increase of crime. The Irish Representatives deplored more deeply than anybody else, the great increase of crime which had occurred in Ireland. And why? Because it encouraged the Government, with the approval of the majority of the English people, in insisting upon these stupid laws of coercion. When once they had introduced a Coercion Bill they could never touch bottom. They went on from bad to worse—the way to an unmentionable place being "of easy descent"—and in the end he could see nothing but Martial Law in front of the people of Ireland. Why, he asked, would not the Government take the advice of those who had the situation as seriously at heart as they had themselves—namely, the Irish Bishops and Archbishops? Surely the responsibility of the men who had the care of souls in that country was much greater than that of those who possessed temporal power. The mere offices which these right rev. Prelates held ought, in the eyes of the Government, to attach great weight to their representations. Therefore, he trusted that the Home Secretary would accede to this very reasonable proviso, and give the Committee some assurance that this clause dealing with intimidation would not be used in the manner the Irish Members apprehended.

Sir WILLIAM HARCOURT: I should like to remind the hon. Member of the statement which he made last week. He said then that the Government ought to be content with the progress they were making with the Bill, seeing that they had passed the first four clauses of the Bill. But that statement was not technically true, and I am afraid it is not going to be substantially true, if we are to go on discussing this clause in the manner the hon. Member is discussing it. The hon. Member has made a speech which is a very able defence of the system of "Boycotting;" but we have discussed the system of "Boycotting" at great length already, and the Committee have made up their minds to suppress "Boycotting." What might have been considered by the indulgence of the House a tolerably fair speech upon the whole clause is not so upon the Amendment. There have not been two minutes out of the half-hour's speech of the hon. Member devoted to the bearing of the Amendment. Now, I do not think that is a fair way of dealing with the question or with the Committee. The question of "Boycotting" is, no doubt, a very important question, and the hon. Member has pronounced for the third or fourth time a panegyric upon "Boycotting." The Government do not agree with him, nor do the House. The Government have made up their minds, and they are not likely to change it. They will do all in their power and everything they consider necessary to put down "Boycotting." The hon. Member has referred to the opinion of the Irish Catholic Bishops, and the document which they have put forth. I have read that document; but I see in it no justification or praise of "Boycotting," as pronounced by the hon. Member. The hon. Member says that the police of Ireland harass the people. There are other persons who harass the people of Ireland as well as the police—namely, those who shoot them in the legs and fire bullets into their dwellings. Therefore, I cannot accept the views of the hon. Member as to the manner in which we should proceed. The hon. Member's ingenuity is inexhaustible. He recommends us to introduce the system of caste into Ireland, and to protect it by the police as in India. I do not think that argument is likely to aid the hon. Member very materially. He says this clause will not put down "Boycotting." Well, if it will not put down "Boycotting," why is the hon. Member so anxious and so afraid of it? If that is his view of it, let the clause go, and let us get on with some other part of the Bill; but if he is opposing the clause because it will put down "Boycotting," then I am afraid we must take the sense of the Committee as between the views of the Government and the views of the hon. Member. The Amendment is still open to all the objections that were stated on Friday by my hon. and learned Friend the Attorney General. Then my hon. Friend said that this is confessedly a difficult and complicated subject, and we must endeavour to express ourselves as clearly as we can upon it, and put into the clause nothing that would be superfluous, because that which is superfluous is naturally dangerous, and confuses those who have to administer the law. We have said, over and over again, that exclusive dealing is not what we wish to cope with, and we have agreed to put in the words "in order to." We say that when these things are done in a manner intended to put a person in bodily fear, or in any fear of losing his business, or of being injured in it, it is an offence. That is our intention in this clause, and it is a perfectly fair question to raise. Either the Amendment of the hon. Member means that, or it means something different. If it means that, there is no occasion to put the Amendment into the Bill, because it is there now. If it means more than that, we do not mean more than that, and, therefore, we cannot accept the Amendment. That is the position of the Government with regard to the Amendment, and on these grounds we cannot accept it.

MR. T. P. O'CONNOR said, the right hon. and learned Gentleman the Home Secretary was a Liberal statesman and also a member of the Bar, and he was astonished that a right hon. and learned Gentleman occupying those positions should have expressed the views the right hon. and learned Gentleman had just expressed. The right hon. and learned Gentleman said he objected to have superfluities put into an Act of Parliament. It was the first time he (Mr. T. P. O'Connor) ever heard of a member of the Bar being opposed to superfluities in an Act of Parliament. But still worse was the position of the right hon. and learned Gentleman as a Liberal statesman. What was the object of the clause? The object of the clause was to take away from certain portions of Her Majesty's subjects the liberty they had enjoyed up to the present moment. It might be a good or a bad liberty, but it was a liberty they had enjoyed up to the present moment. His hon. Friend the Member for Wexford (Mr. Healy) proposed an Amendment for the purpose of safeguarding as much as possible the liberty the clause proposed to leave to the Irish people; and the right hon. and learned Gentleman, as a Liberal statesman, objected to words the object of which was to protect a portion of the liberty of the subject.

That was an utterly inconsistent and intolerable position for a Liberal statesman to take up. The right hon. and learned Gentleman endeavoured to put the hon. Member for Wexford (Mr. Healy) on the horns of a dilemma, and, interpreting the clause his own way, he said the hon. Member wished to defeat the object of it. Now, the objection of the hon. and learned Attorney General to the Amendment of the hon. and learned Member for Christchurch (Mr. Horace Davey) was that the Amendment attributed an intention to the clause which the clause had not; and if the clause had not the intention of interfering with exclusive dealing which was not for the purpose of intimidation and coercion, why not put in words to say that it had not that meaning? Why not give the Irish people such protection for their liberties as the Amendment of his hon. Friend would give them? Let the right hon. and learned Gentleman take the Amendment of his hon. Friend. Let him point out that the Amendment in any way defeated the intention and purpose of the clause. If it did not, then let him put it in the Bill. A superfluity in the defence of the liberties of the people was a superfluity that was good, and ought to be welcome to any Liberal statesman brought up under Constitutional principles. He (Mr. T. P. O'Connor) did not mean at all to enter into the argument which had been raised by his hon. Friend as to the general principle of "Boycotting." He said that that had nothing to do with the Amendment. [Sir WILLIAM HARCOURT: Hear, hear!] The right hon. and learned Gentleman applauded that observation. Then, if the Amendment had nothing to do with "Boycotting," why object to put it in the clause, the purpose of the clause being to put down "Boycotting?" He invited an answer to that question. The clause was for the purpose of putting down "Boycotting." This Amendment was not for the purpose of interfering with that object. Then why not accept it, seeing that it would afford protection to a portion of the liberty of the subject, which was proposed to be taken away by the Bill?

MR. BIGGAR said, that, leaving entirely out of consideration the question whether "Boycotting" was an immoral practice or not, or whether it was desirable to put it down, he thought it was highly necessary that the clause should be safeguarded as much as possible, or otherwise great injustice might be done. His chief objection to the Bill was that it would create injustice and inconvenience to persons who might be perfectly innocent, while, at the same time, it would not affect those with whom it proposed to deal. He would give a case to illustrate what he meant. Suppose a shopkeeper in a country town was in the habit of giving credit. Suppose he were applied to by a farmer who had had a large amount of goods already, and the shopkeeper said—"I will supply you if you pay me ready money, but I do not intend to give you the credit I have been in the habit of doing heretofore." If the farmer were malicious, and possessed, as he probably might, the ear of the local magistrate and the police, he would say at once—"If you do not give me credit I will go to the police and tell them that you are trying to intimidate me by doing something which is injurious to my interests, and I will have you put into prison for six months." What guarantee would that shopkeeper have that he would not be sent to prison for six months, simply because, with no intention of intimidating a buyer, he wanted to protect himself against giving credit for an amount that would never be paid? A state of circumstances might arise in which direct injustice might be done to an individual by the provisions of this particular clause, and he thought the Amendment proposed by his hon. Friend the Member for Wexford (Mr. Healy) was calculated to secure more or less of safety to the person against whom the charge of intimidation was made. The shopkeeper, if he knew what he had done was perfectly legal and legitimate, of course would not be in fear of punishment. The whole evil would be guarded against, and it could not be stated that in such a case as this any actual intimidation could be intended. In the absence of an Amendment of this kind, unless very substantial evidence could be brought forward, the magistrate who adjudicated upon the case would have power to decide simply upon an assumption in his own mind, without reference to any specific evidence as to the facts of the case. He trusted that the Government would not further object to the Amendment, and if they did, he hoped his hon. Friend would divide the Committee.

Mr. LABOUCHERE said, that it seemed to him that the present Amendment was merely a generalization of one put on the Paper on Friday by the hon. Member for the City of Cork (Mr. Parnell). The object of this Amendment was to generalize instead of particularize the Amendment of the hon. Member for the City of Cork (Mr. Parnell). He would ask the Home Secretary whether he would accept the principle of the Amendment of the hon. Member for the City of Cork (Mr. Parnell); not, perhaps, its precise words, but its principle, because the Attorney General might be able to bring up better words? If the right hon. and learned Gentleman would do that, he thought the Irish Representatives would have no objection to accept it, instead of the Amendment moved by his hon. Friend the Member for Wexford (Mr. Healy). He asked the Home Secretary to be good enough to inform the Committee whether the Government would consent to take that course; because it seemed to him that the matter was not one of very paramount importance, and it would greatly tend to make the Bill proceed smoothly, which was an object they all desired.

Mr. ARTHUR ARNOLD said, he could not support the Amendment on account of the words contained in it referring to the practice "of what was commonly known as exclusive dealing." These words appeared to him to be very objectionable. He rose, however, to put a question to the Home Secretary in regard to the Amendment in connection with the 4th clause. Would the 4th clause in any way affect the working of the Trades Union Acts of 1871 and 1876?

Sir WILLIAM HARCOURT said, he had already answered that question in the negative two or three times. It was intended to insert an Amendment at the end of the Bill to save the Act of 1875, but that was a totally different thing from introducing these matters into the clause. If they introduced limitations of this kind it would lead to all sorts of misapprehension. The Government were perfectly aware that this clause and other clauses of the Bill dealt with very difficult matters, and they had it under consideration to give the Resident Magistrate legal assistance. They had it in their mind to give him the assistance of a lawyer. He could not state definitely the precise form in which that could be done; but their desire was that the Resident Magistrates, in the administration of the law, should have legal assistance. All the Government had to do on this and other clauses was to make the statement of their intentions as clear as possible, and it was desirable not to complicate the matter by introducing unnecessary provisions. To give any sort of approbation to exclusive dealing in the clause would be very mischievous indeed; and for that reason the Government could not accept the Amendment, which was in the same position as another Amendment still on the Paper, and which was, on the face of it, suggested in the interests of the "no rent" agitation. He trusted that the discussion would now close, and that the hon. Member for Wexford (Mr. Healy) would allow a decision to be taken upon his Amendment.

Sir DAVID WEDDERBURN said, he wished to put a question to the Home Secretary, because upon the answer he received to it his vote upon the Amendment would depend. He was informed by a gentleman who had recently come into an estate in Yorkshire, that the feeling in that part of the country against Irishmen was very strong indeed, and it was stated that a number of farmers there had combined to agree that under no circumstances whatever would they employ Irish labourers. He wished to know if that sort of action would be regarded as "Boycotting" under this Bill?

Sir WILLIAM HARCOURT said, he could not understand what the action of the farmers in Yorkshire could have to do with this Bill at all. What might be done in the West Riding could have no bearing upon the operation of the Act in Ireland.

Mr. T. P. O'CONNOR wished to ask the Law Officers of the Government what the clause really meant?

The CHAIRMAN: I must remind the hon. Member that the question is not the adoption of the clause, but the Amendment of the hon. Member for Wexford (Mr. Healy).

Mr. T. P. O'CONNOR said, he had not quite accurately expressed what he intended to say. He thought the hon.

Baronet who had just spoken (Sir David Wedderburn) had put the matter in a nutshell. This clause took away all right of combination in Ireland, while combination was safeguarded in every shape and form for every class of Englishmen. The hon. Baronet had mentioned the case of the Yorkshire farmers and the Irish labourers; but hon. Members would not be ignorant that in every class of life in this country, owing to the hostility maintained towards Irishmen, the same sort of prejudice was employed for the purpose of interfering with the calling, business, and livelihood of Irishmen. [Mr. JOHN BRIGHT: No, no!] The right hon. Gentleman the Chancellor of the Duchy of Lancaster said "No, no!" Was the right hon. Gentleman acquainted with the affairs of every Irishman in this country? Was he acquainted with the details of the business of the Irish people in this country? He would tell the right hon. Gentleman that, much as the right hon. Gentleman did know, there were some things which were not fully brought to his knowledge; and he (Mr. T. P. O'Connor) would reiterate the fact that, owing to the prevalent opinion against Irishmen in this country, Irishmen were interfered with even in the means of earning their bread in England by Englishmen. Consequently, this kind of combination was allowed in England, and the public opinion of the country sanctioned it; whereas the Government proposed to take it away from Irishmen in Ireland who were endeavouring to protect their lives, their property, and their homes. The Amendment had no connection with "Boycotting," and he would advise his hon. Friend the Member for Wexford (Mr. Healy) to omit from it the words which applied to exclusive dealing. He did not think that they ought even indirectly to justify exclusive dealing by Act of Parliament; but the first words of the Amendment of his hon. Friend simply asked that the magistrates, in interpreting the clause, should not interpret it so widely as to interfere with all right of combination among the Irish tenants. He did not see why the Government should object to a proposal of that kind. It did not interfere with their clause; but it might interfere with the power of the landlords to pursue a course of relentless persecution against the tenant.

MR. HEALY said, that, in using the words "exclusive dealing," he had humbly copied the phraseology of the Prime Minister. He did not claim any copyright in the phrase; but it belonged entirely to the Prime Minister. No one could take it from the right hon. Gentleman, and the phrase must have the sanction and approval of the Prime Minister, because he had invented it himself. He (Mr. Healy) had simply desired to recommend the Amendment to the Treasury Bench by employing a phrase which had been coined by their Head and Chief. He had noticed the vigour with which the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) shook his head a moment ago. Had the Chancellor of the Duchy of Lancaster never heard of the famous catchword, "No Irish need apply?" It was a phrase which he (Mr. Healy) had heard in one or two places he had visited, and especially in Liverpool, Manchester, and some of the Northern towns, and he believed that it was frequently put in force. He did not complain of men who enforced their natural prejudices in a heated time; but he was only calling attention to the existence in England of a practice analogous to the one which they desired to carry out in Ireland. The Home Secretary objected that he (Mr. Healy) had gone into the question of "Boycotting" once more. The observation of the right hon. and learned Gentleman would have been legitimate, if, in the course of the four days' discussion, they had ever succeeded in extracting one word from him to assure them that the clause would not be used in the way they apprehended it would be. But not one word had fallen from the Government in reply to the attacks and charges of the Irish Representatives; and on the fourth day he was to be complained of, according to the Home Secretary, because he felt it his duty to return to the charge. The Government flattered themselves that they would not hear any more of this matter. He (Mr. Healy) believed they were likely to hear a great deal more of it. He charged the Government of Ireland with maintaining the "Boycotting" system themselves in some of the counties, and with having used their police to "Boycott" one class of the people in the interests of religious fanaticism. The

Home Secretary said he (Mr. Healy) desired to introduce the caste system of India into Ireland. Now, he would not stoop even to deny that allegation; but he really thought that when a Gentleman of the high character and ability of the right hon. and learned Gentleman made a reckless charge of that kind, he ought to ascertain what foundation there was for it.

MR. BIGGAR wished to ask the Home Secretary one question. He understood the right hon. and learned Gentleman to say that he intended, at the end of the Bill, to introduce a clause to provide that the Acts of 1871 and 1875, with regard to the practice of combination, should be read as part of the present Bill. He asked the right hon. and learned Gentleman whether it would not be well to state specifically the general purpose of his Amendment—whether it would allow the Irish farmers to combine in certain matters for which combination was legal in England? Of course, it could not be expected that the farmers and labourers in Ireland would be permitted to combine for illegal purposes; but would the right hon. and learned Gentleman sanction their combination for objects which were in themselves perfectly legal?

SIR WILLIAM HARCOURT said, there were various objects in regard to which combination was not forbidden by the Bill; but if the act done was done in order to put another man in fear, then under this Bill it would not be allowed.

Question put.

The Committee *divided:*—Ayes 34; Noes 258: Majority 224.—(Div. List, No. 126.)

The next Amendment on the Paper was the following, which stood in the name of the hon. Member for Tipperary (Mr. Dillon):—In page 3, line 29, after "living," insert—

"Provided always, That nothing in this Clause shall be taken to apply to—

(a.) The right of physicians to refuse to meet in consultation, and otherwise to cause injury to the business and means of living of any member of their profession who shall attend a patient for the sum of five shillings or less;

(b.) Or to the ancient and well-known system of Boycotting, by which the members of the Irish Bar have from time immemorial enforced an unwritten law, to the following effect:

(1.) That no barrister shall enter a circuit town before his circuit, lest he might canvass solicitors for briefs;

(2.) That no barrister shall use any public advertisement for the purpose of bringing his merits under the notice of the public, &c. &c."

THE CHAIRMAN: This Amendment, in the name of the hon. Member for Tipperary (Mr. Dillon), is obviously intended as a joke upon the Committee, and cannot be seriously proposed. It would be impossible for me to put such an Amendment from the Chair.

MR. DILLON wished to say a word on the point of Order. The Amendment was not in the least degree intended as a joke, but had been placed on the Paper with the object of having the question seriously discussed by the Committee. He had not understood the Chairman to rule that it was out of Order.

THE CHAIRMAN: I have ruled that it is out of Order, and that it cannot be put.

MR. HEALY said, he had understood the Chairman to rule that it was out of Order, because he regarded is as a joke; but the hon. Member for Tipperary (Mr. Dillon) asserted that he did not intend it to be a joke.

THE CHAIRMAN: Then if the hon. Member did not intend it as a joke, it is trifling with the Committee, and it is out of Order.

MR. HEALY, in proposing, in page 3, line 29, after "living," to insert—

"Provided, That nothing herein contained shall be deemed to oblige any person to do any act which such person has a legal right to abstain from doing, or to abstain from doing any act which such person has a legal right to do,"

said, the Government had declared, a few minutes ago, that they would object to any Amendment which interfered with the intention of the clause. They had also expressed their opinion that the word "intimidation" was made so clear, and so fully conveyed the meaning of the Government, that no stipendiary magistrate in Ireland would have any difficulty in construing it. His (Mr. Healy's) contention was that the clause did nothing of the kind; and he therefore proposed this proviso in order to enable a person to do any act he had a legal right to do, and to abstain from doing any act which he had a legal right to abstain from doing.

Her Majesty's Government could not say that this Amendment would import into the clause any novel or new doctrine. It did nothing of the sort; it simply recited a dry matter of fact for the purpose of laying down distinctly that a man was not to be the victim of a vindictive or malicious act on the part of the police. He might remind the Government that, notwithstanding their declaration, they had not accepted a single Amendment from an Irish Member except upon a mere point of detail. It was true that they had accepted a few Amendments, but they had generally come from the Front Opposition Bench; and, so far as he knew, the only Amendment they had accepted from an Irish Member was the insertion of the words "in order to," proposed by his hon. Friend the Member for the City of Cork (Mr. Parnell). No other Amendment proposed by an Irish Member had been adopted by the Government; and the arguments addressed from those Benches to the Government had been completely thrown away. The majority of hon. Members sitting behind the Government had remained altogether silent, probably on the reasonable ground that they thought the Government knew their own minds, and they were content to give the Government the full and complete powers they asked for. But, on the other hand, he thought the Government should recognize, in some way, the feelings of the Irish Representatives on that side of the House; and it was to be regretted that, as a matter of fact, the Irish Members had not succeeded in getting one word inserted into the clause. Not a single proposition would the right hon. and learned Gentleman the Home Secretary accept from them, and the right hon. and learned Gentleman might go away from the House and boast that he had succeeded in sitting there a monument of Parliamentary stolidity, as far as his action in regard to the Bill was concerned. But he would point out to the Government that that was not the spirit in which Her Majesty's Ministers ought to deal with the Irish Members, nor was it the manner in which the Irish Members had been dealt with on previous occasions. He had no desire to draw a parallel between the Home Secretary and the right hon. Member for Bradford (Mr. W. E. Forster); but, as a matter of fact, when the Coercion Bill of last year was introduced, the Irish Members did obtain some concessions from the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster)—notably in regard to the treatment of prisoners. But this year, in dealing with the Home Secretary, they had not got a single syllable, and not even a word, put into the clause. The right hon. and learned Gentleman allowed himself to be guided solely by the views of the Opposition. He had no wish to disparage the arguments of the right hon. and learned Gentleman; but the Irish Members were certainly unconvinced by them, although, undoubtedly, the right hon. and learned Gentleman could go away from that House and boast to his Colleagues in the Cabinet, or to anybody else, that he had passed this most obnoxious Bill without making a single concession upon it.

Amendment proposed,

To add at the end of the Clause the words "Provided, That nothing herein contained shall be deemed to oblige any person to do any act which such person has a legal right to abstain from doing, or to abstain from doing any act which such person has a legal right to do."—(*Mr. Healy.*)

Question proposed, "That those words be there added."

Sir WILLIAM HARCOURT said, he did not rise for the purpose of answering the personal attack which the hon. Member for Wexford (Mr. Healy) had made upon him. He did not think the abuse of the hon. Member would make the House think any better of the hon. Member or any worse of himself, nor would it in any way affect the progress of the Bill. But he demurred to the statements of fact which had been made by the hon. Member. The hon. Member said that the Government had accepted no Amendments submitted by the Irish Members, but that they had been guided entirely by the views of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson). Now, first of all, the Government had been guided by their own views as expressed in the Bill. The words of the clause were not the words of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson). They simply expressed the result of the careful and deliberate determination of Her Majesty's

Government. They had not, however, been obstinate about the clause. There had been two Amendments already inserted into the clause, neither of which had been introduced at the suggestion of any of his right hon. Friends who sat with him on the Treasury Bench. The first Amendment was introduced at the suggestion of the hon. Member for the City of Cork (Mr. Parnell), and so far the hon. Member was correct in the statement he had made; but the second Amendment, and the most material Amendment, with the object of making the clause more clear, was accepted from the hon. Member who sat behind him, the hon. and learned Member for Southwark (Mr. Cohen). Those were the facts of the case, and they were not consistent with the statement the hon. Gentleman had just made. He did not think that either of these alterations had met with the strong approval of hon. Members opposite, so that there was an additional inaccuracy in the statement of the hon. Member. He (Sir William Harcourt) would now deal with the Amendment itself. It was an Amendment by way of Proviso to repeal the clause, and the hon. Member could hardly suppose that the Government would be prepared to accept such an Amendment. The Amendment said—

> "Provided, That nothing herein contained shall be deemed to oblige any person to do any act which such person has a legal right to abstain from doing, or to abstain from doing any act which such person has a legal right to do."

Now, the whole object of the clause was to make it an offence for a man to do that which, before the passing of the clause, he had a legal right to do, if he did it with the intention stated in the clause, of ruining another man. He could scarcely see the use of treating as a serious proposition an Amendment in the shape of a Proviso which would have the effect of repealing all they had hitherto done in reference to the clause.

Mr. PARNELL said, the Government had repeatedly stated that their object regarding this clause was to put down "Boycotting," and that that was their object in inserting the clause in the Bill. Now, Irish Members had pointed out from time to time that, in addition to giving powers to put down "Boycotting," the clause would give the Resident Magistrates in Ireland the power of putting down combination, which, under similar circumstances, legally existed in England. They had called the attention of the Government to the necessity of introducing such limitations or Provisoes in this clause as would deprive the Resident Magistrates of that power, giving them, at the same time, power to put down "Boycotting." He could not think the course which the right hon. and learned Gentleman had followed in this matter was a fair one towards Irish Members. The right hon. and learned Gentleman had taken advantage of the prejudice which existed against "Boycotting" to endeavour to obtain a clause which would leave it in the power of the Executive Government—even in the power of those who were distrusted in Ireland, the stipendiary magistrates, over whom, according to law, the Executive Government had no control with regard to the administration of the law—to put down any kind of combination in Ireland, and to control the actions, words, and thoughts of the people in the most unheard of way. Now, during the four days on which this clause had been under discussion, the Government had had placed before them the wishes of the Irish Members, that some definition or limitation should be introduced into the clause in order to carry out what both Parties said was their object—namely, the maintenance of the right of combination, and to secure that this should not be left to the discretion of any magistrate. The right of workmen to combine to leave their employers for the purpose of carrying out any lawful object, and the right of farmers to combine for the purpose of obtaining a reduction of their rents—these were two objects which Irish Members could not give up, and upon them they must endeavour to turn the minds of the Government if possible. At present those rights were not left under this clause of the Bill, inasmuch as they could be taken away by the action of any stipendiary magistrate. For his own part, he was not disposed to allow the Government to walk off under cover of the prejudice created against "Boycotting," and obtain the passage of the clause, which practically abolished the right of combination.

Mr. T. C. THOMPSON said, that there was clearly a difficulty with regard to the wording of the clause, when taken in connection with the statement of the Home Secretary. The words were capable of being made much more extensive than the Legislature intended. He need not point out to the Committee that it was necessary, in framing an Act of Parliament, to be perfectly clear with regard to the language employed. These words, understood with reference to the context of the debate, might have a very different meaning applied to them in other circumstances. In criminal legislation the utmost care must be taken not to use words capable of any interpretation beyond the meaning strictly intended.

Mr. LABOUCHERE wished to ask the Home Secretary a question which he had put to him previously, and which an hon. Member had also asked in the course of this discussion. Did the Bill deprive Irish labourers of the right of giving up employment, and did it deprive the tenants of the right to refuse to pay rent? Again, did the fact of the tenant refusing to pay his rent bring him under the provisions of the Bill? The Home Secretary said he would put in words taken from the Act of 1875 to meet this case, or, at any rate, he understood the right hon. Gentleman to say that he would do so. If the right hon. Gentleman intended to insert words of this sort, he thought the progress of the Bill would be facilitated if he would be good enough to say whether those words covered the cases he (Mr. Labouchere) had just referred to. Would the right hon. Gentleman say that after the words were inserted in the Bill a labourer might claim the right to leave his employment if he liked, and a farmer refuse to pay his rent without becoming liable under the Act?

Sir WILLIAM HARCOURT said, as he desired to make this clause as clear as possible, he replied once more, that a man leaving his employment, as he was perfectly free to do now, would also be free to do so under this Bill. A man not able to pay his rent was subject to civil action for breach of contract; but if a man refused to pay, or did any other act with an intent forbidden in the Bill, then he would have committed an offence under the Bill. Fears had been expressed that in some way or other the principles guaranteed under the Act of 1875 would be interfered with; but he had said, over and over again, that except in cases of the kind just referred to, the Act of 1875 would apply as before—that was to say, Her Majesty's Government proposed that it should not be interfered with by the present Bill. He had heard also expressions of doubt and apprehension lest the Bill should interfere with the legitimate political association of Irishmen for lawful purposes. Well, that was not the intention of the Bill, and Her Majesty's Government would be perfectly ready to declare also in a Saving Clause that it was not so intended, or to have that effect; and it would be believed by every man who was a lawyer, and by every man of common sense, he might add, that this was not the intention of the Bill. If it were necessary to declare that these associations for legitimate political purposes were not intended to be interfered with, he should have no objection to declare it; but he should not care to introduce any limitation of that kind into this clause, because any such limitation introduced might become a cause of great confusion and difficulty. He trusted hon. Members would accept the statement he had made in reply to the hon. Member for Northampton (Mr. Labouchere), and the hon. Member for the City of Cork (Mr. Parnell).

Mr. PARNELL said, the right hon. and learned Gentleman had answered the question of the hon. Member for Northampton, but in a very unsatisfactory way. He was sorry to see that he had practically answered that question in a way which showed that this Act was intended to prevent the combinations suggested by the hon. Member for Northampton. The right hon. and learned Gentleman said that a tenant farmer could refuse to pay his rent, or a labourer might leave his employment, provided they did not do so with the forbidden intent in this Bill. Well, then, what was the forbidden intent in the Bill? It was that a person was to be charged with intending to put some other person in fear of injury, or loss to himself or his property, or means of living; but he would like to know how any labourer could leave his employment, either alone or in combination with others, or how any farmer could refuse to pay anything but a fair rent, either alone or in combination, except by putting his landlord in fear of loss to his property? If a landlord were told that he would not get his rent, it followed that he must be placed in fear of loss to his property; if a farmer was told by his workmen that they were about to leave him—perhaps at a critical time when he wanted their services—it would necessarily follow that the employer was placed in fear of injury to his business or property. In fact, every action of workmen in England in the case of strikes placed employers in fear of injury to their property and means of living; and, therefore, when any combination or strike was undertaken by bodies of men belonging to particular classes, it must be with fear that loss to property would result from the action of such combination. As a matter of fact, that was the only way, practically speaking, in which the workmen could enforce the strike. If an employer remained in precisely the same position after a strike, and found there would be no loss to his business or property, he would disregard the strike, and the workmen would not be able to hope that the result of the strike would be to obtain the increase of wages or whatever other object they might have struck for. So it was with regard to Ireland, and now the Home Secretary had admitted that what the Bill proposed to do was to take away from Irish workmen this very important right—a right which existed in England—and to allow the stipendiary magistrates to say that that which was perfectly lawful for English workmen might be intimidation for Irish workmen to do. He thought they had now a better understanding of the position, and were able to get a better view of the prospect of ameliorating the condition of the Irish people.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he was afraid he could do no more than repeat what his right hon. and learned Friend had stated. As he understood, the hon. Member for the City of Cork desired that the labourer or workman who, for the purpose of obtaining an advance of wages, said to his employer that he wished to leave his service, should not come within this section. His right hon. and learned Friend had said, over and over again, that this would not be an offence within the clause, for the reason that before you could create an offence within this clause, the act must be done in order to effect a wrong. The workmen, in the case put by the hon. Member, proposed to leave the service of his employer not for the purpose of intimidating him, but to benefit himself, and that was not an offence contemplated by the Bill. With respect to the combination which the hon. Member suggested would become illegal under this Act, his right hon. and learned Friend had stated that he would strictly declare in the Bill that the protection created by the Act of 1875 should be preserved. His right hon. and learned Friend in this respect was willing to meet the views of the hon. Member for the City of Cork. What the Act of 1875 did was to declare that nothing in relation to the action between employers and employed should be an offence, in consequence of the mere act of combination; and the distinction between legal and illegal combinations, drawn in the Act of 1875, would be preserved, and with it the right of persons, individually or in combination, to strike or leave employment for the purpose of obtaining better wages, or otherwise benefiting themselves.

MR. PARNELL said, he must confess he was unable to follow the hon. and learned Gentleman. He was afraid that what he was doing, although very clever in itself, was really hair-splitting. The hon. and learned Gentleman the Attorney General had drawn a distinction between the intent to strike in the one case, and the intent to strike in the other, and that distinction he (Mr. Parnell) was unable to see. The hon. and learned Gentleman had said that where the labourer, either alone or in combination, struck to obtain better wages for himself, it was not an illegal thing, because he struck to obtain an advantage for himself; it was only when he struck to effect a wrong that the action amounted to intimidation. He repeated that he was unable to see how the distinction between the results was to be preserved. When workmen struck with the intention of obtaining an advantage to themselves, such as the increase in the rate of wages or otherwise, how was this proposal to be effected? It was, in effect, by putting a wrong upon the employer, because such a strike would not be entered into at all were it not for the purpose of bringing pressure to bear upon an employer to show him that injury would result to him by his labourers leaving him if he did not give in to their fair and legitimate demands. What earthly effect could a strike of labourers have if an employer could turn round, without any loss to himself whatever, with equal advantage to himself, perhaps with greater advantage to himself, and obtain another set of workmen as cheaply as those who left his service? Under such circumstances, a strike would never be entered into at all, because it could never be effectual. Therefore, he submitted that the distinction of the hon. and learned Gentleman, as between the labourer obtaining an advantage for himself and effecting a wrong against his employer, had no existence. These were two separate and distinct actions which must go side by side, otherwise the strike could never have a successful issue. The words of this Bill absolutely precluded any strike of workmen from taking place which would inflict the slightest injury upon employers. Not only according to the wording of the clause, but according to the explanation put upon it by the hon. and learned Gentleman the Attorney General, the magistrates, in deciding whether a strike would inflict injury on employers, must necessarily consider whether injury had been inflicted; and if they found that it had been, or that it was likely that it would result, then clearly the magistrates would feel themselves justified, according to the interpretation given by the Attorney General for England, in finding the men guilty of intimidation, and sentencing them to gaol for six months.

Mr. GLADSTONE said, he had listened to the speech of the hon. Member for the City of Cork with considerable attention, and he was compelled to ask himself by what hallucination the hon. Member had imported into the discussion on this clause such a mass of what appeared to be arbitrary and visionary interpretation? The proposition of the hon. Member was that he wished to take care that the Government should not, under the pretext of putting down "Boycotting," also put down that species of combination which workmen were permitted to use in England. Now, those combinations which workmen were permitted to use in England were usually directed to some object of benefit to themselves; but the combination of labourers in Ireland was generally attended with the opposite result—namely, of injury to the persons who used them. It was, in fact, a complete inversion of the strike as understood in England. It resulted, it was true, in loss to the employers; but it resulted also in loss to the labourers. In the case mentioned by the hon. Member for the City of Cork, the labourers did not strike for the purpose of obtaining an increase of their wages, and probably no inducement which the landlord might offer would be likely to satisfy them. The strike in this case was done for a purpose extraneous to that of obtaining a benefit such as had been described. He was surprised that the hon. Member for the City of Cork, who, it seemed to him, usually kept as close to his point in arguing upon the interpretation of other parts of the Bill as any Member of that House, legal or non-legal, should be arguing on that occasion that the insertion of the words adopted to meet the views of hon. Members on a former night would have no effect on the clause. The hon. Member said that the magistrate would look simply to the effect upon the employer, and not to the intent with which the act was done. But it was precisely because the words of the clause appeared to be colourably open to that interpretation that his right hon. and learned Friend the Secretary of State for the Home Department proposed to bring in the words "in order to." It was true that the hon. Member for Wexford (Mr. Healy) proposed to substitute for those words, at one time, "with intent to do;" but the hon. and learned Member for Southwark (Mr. A. Cohen) declared that he had carefully compared the two phrases together, and that the words "in order to" constituted a more effective and stronger phrase—that this phrase meant something, and that it meant that the effect on the employer was not to be a test of the character of the act done, but that the intent must be looked back to; and if the act was done for the purpose of injuring the employer it would be intimidation, whereas, if it were done for the benefit of the workmen, then, as in England, it could not be intimidation, and could not be an offence under the law. With great respect for the hon. Member for the City of Cork, he was bound to say that his argument appeared to him to be an argument directly in the face of the wording of the clause. The hon. Member asserted that nothing but the effect on the employer was to be looked to; but it must be remembered that the Committee had unanimously—with the exception of the right hon. and learned Member for the University of Dublin (Mr. Gibson), who had made a reservation—introduced into the clause words for the very purpose of preventing that evil. If the hon. Member were still able to say that the words of the clause were directed simply to the effect upon the employer, and that that was the only criterion to determine the character of an act of intimidation, no doubt that would constitute a strong criticism. But that was not the effect of the clause now, because words were introduced to carry back the Judge to the examination of the purpose and intent. He appealed to the hon. Member to take this view of the case, although he could not hope to produce an effect upon his mind if he still declined to accept the declarations of his right hon. and learned Friend the Secretary of State for the Home Department and the hon. and learned Attorney General.

Mr. PARNELL said, the right hon. Gentleman the Prime Minister had given a fairer definition and a much fairer interpretation of the effect of the clause than the hon. and learned Attorney General (Sir Henry James). The right hon. Gentleman had explained that where labourers were withdrawn from their employment, not for the purpose of gaining a benefit for themselves, but for the purpose of punishing the landlord as regarded his conduct towards his tenants —that this would be held to be intimidation. He (Mr. Parnell) would be perfectly satisfied with that definition if it were added to the clause, and if it were not left to be constructed out of the clause by the stipendiary magistrates. He did not see any difficulty in accepting that position—namely, that persons should be at liberty in Ireland to take combined action for their own benefit; but not for the purpose of punishing their employers or their landlords in order to obtain benefits for some other people. He believed he had stated, however roughly, the idea of the Prime Minister with regard to intimidation. For instance, he understood the right hon. Gentleman to say that if a landlord had labourers in his employment, and these labourers were withdrawn from his employment in order to compel him to give a reduction of rent to his tenants, that that would be intimidation; but that it would not be intimidation if these labourers were withdrawn from their employment in order to obtain an increase of wages for themselves. Now, he thought that if they could get that put into the Bill, and also extended to breach of contract, which was also not a criminal offence in England, it would be fair enough—that was to say, that persons might take action of this kind for their own benefit, and not for any ulterior or other object outside it. It was not for him to suggest how these things should be done. The Government had a great deal of legal skill at their command, and he thought it would be fair for the Prime Minister, after the statement he had made, to consider in what way the view he had expressed could be carried out, which seemed to give to the Irish tenants and labourers the same right of legal and harmless combination which existed in England.

Mr. GIBSON said, he would not suppose that the Committee required to be told that the hon. Member for the City of Cork was a man of ingenuity and resource. The Prime Minister had just made a short speech, pointing out his view with regard to the clause before the Committee, and the hon. Member for the City of Cork suggested that the Prime Minister had in that speech made some concession. He ventured to say that the Prime Minister had done nothing of the kind. What was the statement put into plain English? The hon. Member for the City of Cork had endeavoured to discuss this question as if there were an analogy between the case of strikes in England, and that of the withdrawal of labourers from employment in Ireland. But he maintained that no such analogy existed. If workmen in England struck, it was avowedly in order to obtain an increase of wages or an improvement of their condition. But what was the condition of the Irish labourers? When undoubtedly they were coerced, as they had been during the last 12 months, they had withdrawn in some cases from their employment most unwillingly; they had withdrawn not only to the detriment of their employers, but in many cases to their own absolute ruin. Everyone knew that there was not a single case in Ireland of labourers having withdrawn for their own benefit; they had withdrawn because they were compelled and forced to do so for the benefit of others. It was a fact which could not be gainsaid that these labourers who had withdrawn had not done so with the object of getting more lucrative employment; on the contrary, they had been maintained by the Land League at the same wages, or at similar wages, or else they had been allowed to go into the workhouse and starve. It was now adroitly suggested by the hon. Member for the City of Cork, himself a master of adroitness—if he might be allowed to say so—that it would be satisfactory to put into this Bill a statement that labourers should be allowed to withdraw from their employment for the purpose of raising their wages. Now, anyone acquainted with the question knew that every labourer would avow that he had withdrawn from his employment for the purpose of obtaining an increase of wages, under the circumstances described. That would be the allegation in every case, and therefore he said that if the suggestion of the hon. Member for the City of Cork were adopted, that moment an opportunity would be afforded of evading the clause. Let hon. Members ask themselves this question. Did they think that the hon. Member for the City of Cork was seriously anxious by his suggestion to have the clause made efficient for putting down "Boycotting?" Would the hon. Member himself assent to that proposition? The hon. Member said "Yes," and he (Mr. Gibson) never liked to dissent from an opinion which an hon. Member of that House expressed with regard to his own action; but he must confess that he should feel a considerable desire, at all events, to apply all his powers of criticism to a clause constructed by the hon. Member for the City of Cork for the purpose of putting down "Boycotting." He was much disposed to think that the clause in its present form—for he assumed they had heard the last word with regard to it—would do a great deal of good to the labourers in Ireland. One of the great difficulties those unfortunate people had to contend with was that they had no excuse for not obeying the behests of those who told them to leave their employment; but under this clause they would now have some opportunity of reconsidering their position and trying to obey the law. The clause had been under discussion for several days; and he must say, with regard to the present Amendment, that it had been, in his opinion, sufficiently considered. There was one observation which fell from the hon. Member in relation to the Irish vote. The subject was alluded to several times; but he desired to point out that there was a vast section of popular opinion in Ireland, not confined to any particular class, that desired to be freed from the terrorism of "Boycotting." He repudiated the suggestion that Irish opinion was in its favour; and he desired, in supporting that statement, to draw the attention of the Committee to this fact—namely, that in no division which had taken place upon the Amendments put forward with the intention of riddling this clause had more than one-third of the whole body of Irish Members gone in the Lobby to support them.

Mr. MITCHELL HENRY said, that the distinction to be drawn in the case of Irish labourers was this. When labourers in Ireland struck for the purpose of obtaining a benefit for themselves they did that which might not be very judicious, but which was perfectly lawful. But when they struck not with the object of benefiting themselves, but avowedly with the object of injuring their employers, they were doing that which the common sense of mankind declared ought to be put down. The Committee would not have been discussing the present question if the power of combination and striking had not been carried to an unlawful extent in Ireland. If it had been carried to such an extent in England, the Government would have been compelled long ago to put it down. In a liberty-loving country the combination of persons to effect a benefit for themselves was obliged to be tolerated, even if its effect were to cause some injury to other classes of persons, so long as it was not carried to an extreme extent. But the object preached to the labourer in Ireland was that he should strike, not for his own benefit, but for the purpose of inflicting injury on his employer. He trusted that the Government would not yield in the slightest degree on this clause, which, in his opinion, was more calculated to restore peace to Ireland than any other measure which had been proposed. To suppose that the ordinary strikes of labourers to obtain higher wages—at harvest time, for instance—would come within the scope of the Bill was absurd. But if hon. Members went about the country telling people to strike against their employers, and these people, having the fear of "Boycotting" before their eyes, did strike, to the injury of their employers—then, he said, it was a matter for the magistrate to judge; and it was only reasonable to give him credit for the possession of common sense in a matter the facts relating to which were before him. He was glad to hear from the right hon. and learned Gentleman the Home Secretary that the Government intended to give legal assistance to the magistrates in the interpretation of this Bill when it passed into law; and he believed that by so doing the liberties of the people of Ireland would be completely preserved, and that that practice which might be said absolutely to have ruined the country would be put a stop to. He asserted positively that the feeling in Ireland with regard to this clause was very strong in its favour. ["No!"] Hon. Members opposite said "No!" but this was not a time for chopping logic upon a matter of this importance. It was a time for the exercise of that common sense which everyone possessed, or was supposed to possess. What they wanted to do was to put down "Boycotting," and unless that was done it was clear that the benefit of English law would be denied to persons in Ireland. The number of shopkeepers, labourers, and others, with their families, who had been ruined in consequence of this practice was almost incredible, and no one could deny that it ought to be put down.

MR. LABOUCHERE said, there appeared to be very little difference in principle between the right hon. Gentleman the Prime Minister and the hon. Member for the City of Cork (Mr. Parnell) as to what should be retained in this clause. But it seemed to him that the Prime Minister had a somewhat higher opinion of the Resident Magistrates, aided by barristers in the discharge of their duties, than that entertained by the hon. Member. It seemed to him that the hon. Member for Stoke-upon-Trent (Mr. Broadhurst) had taken a very practical view of the situation, inasmuch as a very little alteration in the Amendment of that hon. Member might be made to meet the views of both the hon. Member for the City of Cork and the Prime Minister. If the right hon. Gentleman considered this proposal a fair one, he thought there was no necessity for any further discussion of the clause. He suggested that the words of the Acts of 1871 and 1876 with regard to trades unions should be adopted. This, he thought, would cover what was suggested by the hon. Member for the City of Cork; and he did not think it went beyond what the Prime Minister was prepared to regard as the intentions of the Act. He thought that the discussion would be brought to an end very speedily if they could obtain some assurance that the words he had indicated would be inserted in the Bill.

MR. SYNAN said, the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) had, in his opinion, advanced a stronger argument in favour of the contention of the hon. Member for the City of Cork than any argument which he had listened to in the course of that discussion. The question they were considering was the intention with which any word or act was spoken or done. If the intent was to injure a person against whom an act was done, then no one would have any objection that this should come within the clause. But what did the right hon. and learned Gentleman say? He said that in Ireland the only intent with which workmen would withdraw from the service of their employers was for the sake of inflicting injury upon the landlords or upon the employers. He said that the labourers, when they withdrew from employment, would always avow that it was done for the purpose of raising their wages; but he did not believe one word of that. It would be done solely for the purpose of injuring the employer; and, therefore, the right hon. and learned Gentleman wanted that only one construction should be put upon this clause. They had arrived at the question—Was the act done with a double intent, or with an unmixed intent? The magistrate might either put it on the intent to raise wages, or he might put it on the intent of injuring the employer or landlord. It was not a single intent or motive—it was a double intent; and unless this could be made clear under the construction of the clause —that it was done for the purpose of raising wages or reducing rent—the magistrates in Ireland would follow the lead of the right hon. and learned Gentleman the Member for the University of Dublin, and would put it on the stronger intent of injuring the employer.

Mr. STOREY said, he did not think the right hon. and learned Gentleman opposite (Mr. Gibson) knew as much about strikes as he did about the law, or he would not have said that strikes in England took place for the sole purpose of raising wages. They had recently had a strike in the North of England of a very extensive character, in which a very large number of persons took part. In this case some employers were willing to give way and concede an increase of wages to a portion of the men on strike; but these refused the terms offered. The remainder of the employers would not yield. He put it to the Government, how would such a state of things as that agree with the construction of the hon. and learned Gentleman the Attorney General, who said that when men in Ireland struck in order to get an advance of wages, they would be striking for the purpose of improving their condition, and would not be liable, but if they struck for the purpose of injuring the landlord, that that would be an offence for which they could be punished? Now, in the case he had referred to, the men to whom the employer offered an increase of wages were no longer striking for any benefit to themselves, but they continued to strike for the benefit of their brethren, to whom their employers did not offer an increase of wages. Now, he asked, would those men, who struck when the employers offered to give them an increase of wages, and who continued the strike for the sake of those whose employers would not give an increase of wages, be held by the magistrates in Ireland to be striking for their own benefit, or for the purpose of injuring their employers?

The ATTORNEY GENERAL (Sir Henry James) was understood to say that in this case the intention was not the injury of the employer, but the benefit of their fellow-workmen.

Mr. STOREY said, that was just his point. Would the hon. and learned Gentleman the Attorney General guarantee that that should be the construction of the Act? Look at the wording of the clause. The hon. and learned Attorney General said that the men who continued on strike did not do so with the intention of injuring their employers; but he (Mr. Storey) asked whether they did not do this within the meaning of the words at the beginning of the clause "wrongfully, and without legal authority, uses intimidation," to cause their employers to pay more wages to somebody else than they wanted to pay? Did they not wrongfully, or might they not be held by the Resident Magistrate wrongfully, and without legal authority, to have used intimidation in order to put the landlord in fear of loss to his property, so that he might give them an increase of their wages? If the hon. and learned Gentleman the Attorney General would convince him on that point, he would waive his objection to that portion of the clause; but he must tell him frankly that they in the North of England were perfectly well acquainted with the nature of strikes, and it was upon that knowledge that his objection to the clause rested. He did not want to oppose the Government; but he could not disguise from himself that as the magistrates in Ireland, who constituted a not impartial Court, would have to construe this clause, it was much more necessary to have an accurate definition than it would be if the matter had to be decided by the magistrates in England. If this accurate definition were not given, the result would be that legitimate combination among workmen, as well as the offence of "Boycotting," would be put down. He, therefore, impressed upon the Government that there should be some security for legitimate combination. In order to illustrate the difference between strikes in this country and in Ireland, he would mention that in the course of a strike which took place Sunderland among the shipwrights certain of the men were brought before the magistrates. Now, there were shipbuilders on the Bench, and these gentlemen did not take part in the proceedings, but left the Court, and the case was adjudicated upon and satisfaction given to the men. But he wished to point out that in Ireland the Government were not, so to speak, going to remove the shipbuilders from the Bench; they were going to leave the landlords on the Bench to deal with matters in which their interests were largely involved; and, therefore, he repeated that the Government ought to be doubly careful to have an extremely accurate and safe definition.

DR. COMMINS said, if the Act were to be interpreted by the Prime Minister he was sure there would not be the slightest chance of any injustice being done, because, according to the view stated by the right hon. Gentleman, the offence could only be committed when the act was done solely in order to prejudice the interests of a third party, or to injure his property. But, unfortunately, the word "solely" was not in the Bill, and, consequently, it would not be read in the Act by the magistrates; and those persons, when they found even a tendency to injure, would consider that quite enough for the purpose of conviction. He would like to remind the right hon. and learned Gentlemen the Home Secretary and the Attorney General of a legal principle which they appeared to have forgotten, and that was that in the interpretation of the Criminal Statutes every man was presumed to intend the natural and ordinary consequences of his acts. That principle had been laid down by every Judge upon the Bench, and the justice of it was obvious, because no one could dive into the recesses of the human mind. To say what was the intention of a man in any other sense was nothing else than the wildest speculation, and because this could not be ascertained the law established the canon of interpretation that everyone must be presumed to intend the natural consequences of his acts. Therefore, he said that the Judges and magistrates in Ireland were bound to interpret this Bill when it became law on the principle that whatever were the natural consequences of an act, these were to be taken as the intention of the person who did it; and, therefore, it would happen under this Act that whenever an injury might arise to a landlord, for instance, or a third party, by the act of a labourer or tenant, they would be held to have intended to produce that effect. He wished to refer to another remarkable oversight on the part of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), who told them that during the last year or two Irish labourers had left their employment against their will, and not for the purpose of benefiting themselves. [The right hon. and learned Gentleman said it was notorious that—

> "In Ireland during the last two years the great majority of labourers had left their employment against their will, and were ruined in consequence."

It appeared to him that a sentence of six months' imprisonment with hard labour was a very extraordinary remedy to apply to the case of men who were so situated, because, according to the right hon. and learned Gentleman's own argument, the position of those labourers was already sufficiently unfortunate. Now, Irish Members were willing that when an act was done solely for the purpose of injuring another—an act of intimidation, as they had it described in the Bill—it should be punished by all means. But they contended that this Act should not be left so loosely worded as to allow a magistrate to inflict the penalties which it contained on a person who acted for his own benefit, and not for the purpose of injuring another.

MR. T. P. O'CONNOR said, the right hon. and learned Gentlemen the Home Secretary and the Attorney General knew perfectly well what they meant by this clause, if the Prime Minister did not; and he asserted, without fear of contradiction, that the Prime Minister wished to remove the larger interpretation which they desired to place upon it. The hon. Member for Sunderland (Mr. Storey) had put the case of a strike which occurred in his district. The question of a strike was a very pertinent one. Would the strikers who remained out when the majority of their own body had returned to work come under the provisions of this clause? "No," said the Attorney General, "because they remained out for the benefit of the workmen, and not for the injury of their employers." Now, he wanted the Attorney General to stick by that principle as laid down by himself. He said that a combination of that kind did not come under the clause, because the persons who took part in it wished to benefit their fellow-workmen. Was that the statement of the hon. and learned Gentleman? If it was, he wished to know whether the strikers, by remaining out, did not injure their employer? If they injured their employer they would be supposed, according to a legal maxim, to intend to injure their employer; and, therefore, they would injure him intentionally. If the Prime Minister would put into the clause words giving the interpretation he had himself attached to it, it would be perfectly satisfactory. The Irish Representatives would be quite willing to stop the discussion at once if the right hon. Gentleman would give them an undertaking that he would insert in the clause words to carry out the interpretation he himself had given. Would the right hon. Gentleman give them that undertaking or not; or would he allow himself to be dodged out of the concession he was supposed to have given? That was what the offer came to. The interpretation of the hon. Member for Sunderland (Mr. Storey) and the hon. Member for Northampton (Mr. Labouchere), and of everybody in the House except the Home Secretary, the Attorney General, and the Prime Minister, was that if words of that kind were not inserted in the clause the right of combination was taken away. The Prime Minister said it must be proved that the object of the combination was not the benefit of those who combined; but the injury of the employer for the purpose of benefiting a third person. Was that so? The Irish Members wished to deal with the Government, and especially with the Prime Minister, in a perfect spirit of candour in respect to this clause. If the clause had in its intentional, legal, and honest common-sense interpretation only the meaning which the Prime Minister gave to it, they were willing to stop the discussion at once and accept that assurance. He would put the matter in this way. Would the right hon. Gentleman tell the Committee that if a number of labourers combined together to form a strike—supposing the object of the strike was to obtain for themselves higher wages—then it would not come under this clause according to the interpretation which the Prime Minister had himself put upon it; and in order to enable it to come under the clause the labourers must combine together, not for the purpose of increasing their own wages, but for the purpose of decreasing the rent of the landlords. He gathered that such a combination would come under the operation of the clause. In that case, who was to be the judge of the real object in view? The labourers said they struck for the purpose of getting higher wages; but the landlords, who were of the same kidney as the magistrates who had to decide the case, said the object was a very different one; and the magistrate, siding with his friends, said—"I don't believe the story of these men. Although you are in rags, and evidently badly fed, you did not strike for the purpose of getting better houses or clothes, but for the purpose of reducing the landlord's rent." If people on strike in that way were brought before a magistrate, how could they help coming under the operation of the clause? Would they not have injured their employer by refusing to go back when the employer had offered concessions? Would they not have completely placed themselves under the operation of the Act? He would renew his offer of not opposing the clause if words were inserted giving effect to what the Prime Minister had stated to be the intention of the Government. Let the interpretation of the Prime Minister be given effect to in the clause so as to provide a safeguard, and at once the opposition to the clause would cease.

Sir WILLIAM HARCOURT: I do not know what value is to be attributed to an offer made in such a tone, and couched in such terms, as that which has just been made by the hon. Member for Galway (Mr. T. P. O'Connor). The hon. Member has charged other hon. Members with "dodges." He charged the Attorney General and myself with deliberately having a different object from that which we have avowed. He says that the Prime Minister does not understand the clause, and that he does not understand the "dodges" played off by his Colleagues upon him. I say that that is language which it is not worth my while to review. Further than that, I venture to say that my right hon. Friend the Prime Minister fully understands the clause. He understands it as we understand it, and both he and we, whatever the opinion of the hon. Member for Galway (Mr. T. P. O'Connor) may be—and for that opinion I care very little, because I believe that the House of Commons will give us credit for acting in good faith—both he and we honestly mean what we say. And let me tell the hon. Member that the Government is not to be distinguished as between my right hon. Friend at the head of the Government and my hon. and learned Friend the Attorney General and myself, on each of whom has devolved some responsibility in regard to this Bill. Language of this kind will not profit the hon. Member, unworthy as it is of himself and of those whom he addresses. I have nothing more to say, except that the Bill, as it has been explained by my right hon. Friend at the head of the Government, is perfectly clear and intelligible. We have said exactly what we mean, and it is utterly unnecessary to add anything to it.

MR. LEAMY said, the right hon. and learned Gentleman stated a few nights ago, in answer to the hon. Member for Tipperary (Mr. Dillon), that it did not matter what statements might be made by any Minister in that House when the time came for judicially interpreting the words of an Act of Parliament. No matter what the statements might have been, the interpretation of the tribunals which had to administer the Act would be quite irrespective of any statement of a Minister. He did not for a moment question the assurance which had been given by the Prime Minister, or the interpretation which he had put upon the clause; but it was because the Irish Members felt and believed that when the Bill came to be administered by the magistrates an entirely different view of the offences which came within the Act would be taken from that which was taken by the Prime Minister, that they asked for words to be inserted in the clause which should convey to the mind of every magistrate that such words meant what they were asserted to mean by the Prime Minister. Of course, it was a matter of great importance that they should know whether or not a combination, the objects of which had been publicly avowed, such as a combination on the part of agricultural labourers to secure better wages, was legal or not. There was at the present moment in Ireland an Agricultural Labourers' League. He had seen the resolutions passed at a meeting of that League the other day, and one of those resolutions pointed out that the farmers of the country had not availed themselves of the power given to them by the Land Act of 1881 to erect decent cottages for their labourers. They contended that, owing to the wretched condition in which the labourers found themselves, they had a right to combine and a right to refuse to work for farmers who had not availed themselves of the provisions of the Act. He understood from the statement made by the Prime Minister that such a combination would be perfectly lawful; and he considered that such an admission from such a quarter was of the utmost value. No one could deny that labourers had a perfect right to combine to compel the tenants to comply with the provisions of the Land Act, in giving them better houses than they now had, and their half-acre of ground. What they wished to know was, that if there was a combination for that purpose, they and the Irish labourers should understand that, by the declaration of the Prime Minister, such a combination, carried on in a legal manner, would not come within the operation of the Act. He was glad that such a declaration had been made, and he hoped that it would have its full effect upon the Irish magistrates who were to administer the law. At the same time, he thought the right hon. Gentleman ought to give a promise that, on the Report stage of the Bill, he would put into the clause words which would convey, beyond all question, the intentions of the House.

MR. JOSEPH COWEN said, he was sorry that the right hon. and learned Gentleman the Home Secretary had imparted so much warmth into his observations. They had been discussing this clause for four or five days, and they had arrived nearly at a settlement of it. What the Prime Minister had said was of the utmost value, and it was agreed to in spirit by the Irish Members. If they could have the spirit of it put into words, all opposition to the clause would terminate; if not, there would still be a prolonged fight, and the conclusion of this business, which they all desired to see terminated, would be delayed. The only matter between them was simply a difference of words; and, having got so near to an agreement, he thought they might easily go a step further and settle their differences. He hoped the Government would accept the suggestion of his hon. Friend the Member for Waterford (Mr. Leamy); and if the Home Secretary would not, or could not, see his way to the adoption of specific words now, he hoped he would give an assurance that upon the Report stage of the Bill words would be brought up to convey the meaning. If such a course were taken, he believed the discussion would be very much shortened. As the matter stood, they had a general agreement as to the object to be obtained, and only a difference of opinion as to the way in which that object was to be gained. The fear and dread which hon. Members from Ireland had in their minds was that the Bill would be interpreted by the magistrates to the prejudice of the persons who were combining. That was a feeling which might be a false one; but, nevertheless, it existed, and there ought to be words inserted in the clause to prevent its being realized. As the object they all wished to gain was the same, he thought the Government would do well, in the general interests of the progress of Public Business, to give an assurance of this kind.

Mr. BROADHURST said, he had no wish to waste the time of the Committee in discussing the matter; but he desired to join in the request made to the Government that they would adopt some such method as had been suggested. If that were done it would tend considerably to remove the opposition to the clause, and would make the matter perfectly clear. He had given Notice of an Amendment, which appeared on the last page of the Paper, to except trade associations from the operation of the Act, because he considered he was bound to do his best to secure to the trade associations of Ireland the same liberty of action in regard to their own interests, and to secure it beyond doubt, as that which was now enjoyed by the trade associations of Great Britain. He had been somewhat surprised to hear the statement which had been made by the hon. Member for Sunderland (Mr. Storey). He understood the hon. Member to say that a number of employers in the district with which he was connected had conceded all that was asked, and, because a number of other persons did not give way, many of the men who had agreed to give way refused to return to work. Now, that was the most extraordinary proceeding that had ever come under his notice with regard to strikes. In all similar cases with which he had been connected the custom had been, where concessions had been made and the men had agreed to return to work, that they should go to work and contribute a day's wages towards the support of those who were still holding out. There were many obvious advantages in that course; one of which was that contracts, which would otherwise go in other directions, would be enjoyed by the firm which had agreed to work. He only mentioned this because the hon. Member's authority upon these matters was undoubted in the North of England, and he wished to say that no such circumstance had ever come under his notice. He would only add that no language, however annoying or improper that language might be, should for a moment prevent the Government from considering the desirability of inserting words such as had been suggested, either at this stage of the Bill, or at a future stage. If the Government would agree to do it, it would afford much satisfaction to a very large number of Members, and would greatly facilitate the progress of the Bill, and would do away with a great deal of the opposition now made to it.

Mr. O'SHAUGHNESSY said, he understood the demand of the Irish Members to be, not for a definition of the offences which might come under the clause, but for a clear declaration as to the offences the clause was intended to meet, so as to exclude a certain class of acts from the operation of the Bill. The Irish Members had come down very much in their demands, and, instead of asking what were to be offences, all they asked of the Government now was that certain things should be guarded against being offences. What really gave strength to the opposition which the Irish Members had raised to the clause was the nature of the tribunal which was to administer the law. Of course, that was to be a matter for subsequent discussion; but it was their distrust of the tribunal which animated them now. It was a conflict between the classes the Act was brought in to put down, and those who were to put them down; because the Judges who would sit to decide these cases belonged to a class which was eminently one of the conflicting parties, and which had no sympathy, either by education or tradition, with the other classes they would have to deal with. Under these circumstances, it was not unreasonable to ask that the Government should take this question into their serious consideration, and give some assurance, or hold out some hope, that by the introduction of words into the clause, or otherwise, they would exclude a particular set of circumstances from the jurisdiction of the local magistrates who would have to administer the law.

Sir WILLIAM HARCOURT said, he thought he had already stated more than once, and, if necessary, he was prepared to state it again, that the Government were perfectly willing, not only on the Report, but even before the Report upon the clause of the hon. Member for Stoke (Mr. Broadhurst), or upon any other question, to do what ought to be done in this matter by providing a saving clause. He thought that was the proper way of dealing with the matter, and he had already stated so on Friday night, and again that afternoon.

Mr. MARUM said, that in the first place, in order to constitute an offence under the Act, there were certain things which must have been done. Secondly, they must have been done wilfully, and without legal authority; and, thirdly, they must have been of an intimidating character; and, fourthly, they must have been done with one of the intents mentioned in the clause. These four elements were necessary to constitute a crime. Hon. Members in that House all knew that; but the unfortunate people of Ireland would not know it. If any one of these elements was absent, the three other elements would not constitute an offence. In this state of circumstances, what had been asked by the Irish Representatives? They proposed to insert a qualification, that any one particular element standing alone—such as a refusal to work—should not constitute an offence. That had been the great question agitating the minds of hon. Members on that side of the House, and all they desired was that the Government should incorporate in the Act something that would satisfy the public mind that all the four elements were necessary, and that the absence of one solitary element of the four would be sufficient to vitiate the whole proceeding. He hoped the Government would see their way to put some expression in the Bill that would make that perfectly clear. It would have a reassuring effect, and would accomplish what he understood the Prime Minister intended to convey.

Mr. CALLAN said, the hon. Member for Galway (Mr. Mitchell Henry) had stated, in the course of the few observations he had made, that there was a strong feeling in Ireland in favour of this clause. He (Mr. Callan) was not aware, although he was a regular reader of the Irish newspapers, that such a statement had ever appeared in any of them. Nor could the hon. Member have heard it from any of his constituents, and, in all likelihood, the opinion had been evolved from the hon. Member's own inner consciousness. The hon. Member had also taken occasion to state that he was not in favour of coercion; but, by the course he had taken that night, the hon. Member had shown that he was carrying out, in the year 1882, the principles which guided and directed him 10 years ago, when the first speech he made and the first vote he gave in that House was in favour of coercion for Ireland. It was said that the labourers might strike for their own benefit. He thanked the Government for that admission; but it was coupled with the statement that a strike would be an offence if it did an injury to the landlord. Therefore, although the labourers might strike for the legal object of benefiting themselves, it was contended that they would render themselves amenable to the penal provisions of this clause, if, by their strike, they committed an injury to their landlord. Now, he (Mr. Callan) had taken some interest in the Labour Question in Ireland, and he had lately been in communication with the leaders of that movement in the county he had the honour to represent. Although the Land Act had been some eight or 10 months in existence, he found that the Sub-Commissioners acting under it had not yet, in a single instance, in the county of Louth, made a rule that labourers' cottages should be erected, and that proper allotments of land should be set apart for them. Although there had been numerous agreements for the fixing of a fair judicial rent, yet in no single instance had provision been made for carrying out the clause of the Land Act in regard to the erection of labourers' dwellings. Under these circumstances, he had advised the labourers to take a course which was at present perfectly legal. It was the custom of the country for the labourers to bind themselves for a term of 12 months, and they were bound, during that term, except in the case of illness, to work for the farmer with whom they had engaged, and for him only. But during the harvest time the farmers required double the number of labourers than at ordinary times, and he had advised the labourers that they should enter into a combination not merely to benefit themselves, but to injure the farmers, who had not provided proper accommodation for the benefit of their labourers. He had remonstrated with the farmers themselves without effect, and he had now advised the labourers to enter into a combination not to work for any farmer who had not built proper dwellings for his regular labourers. He wished to know from the right hon. and learned Gentleman the Attorney General for Ireland, who was about, he believed, to ascend the Judicial Bench, whether such a combination would be legal? Hitherto the Home Secretary, in taking charge and control of the Bill, seemed to have ignored altogether the views of the Attorney and Solicitor General for Ireland, and to have taken into his counsel the Attorney General (Sir Henry James) only. He was most anxious to learn whether the "term labourer," who combined to refuse to work for the farmers under these circumstances, would come within this clause? If they were brought before the magistrates charged with "intimidation" within the meaning of the Act, it would be in vain for them to plead that they had combined for the benefit of themselves, if the magistrates held that by so doing they injured the business of the farmers, and prevented them from properly cultivating their farms. It was not deemed illegal in England for workmen to subscribe a day's wages to provide for the families of other workmen who refused to work for masters who would not concede their demands. If this clause passed without some words of limitation or explanation, the result would be to prevent any combination of a class for the advancement of its own interests.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. O'DONNELL said, he rose to support the proposition that any Amendment which the Government were prepared to accept on this subject ought to be accepted on this clause, and inserted in this clause, or as an addition to this clause. The Amendment of the hon. Member for Wexford (Mr. Healy) seemed, on the face of it, to be justice and moderation itself. It provided—

> "That nothing herein contained shall be deemed to oblige any person to do any act which such person has a legal right to abstain from doing, or to abstain from doing any act which such person has a legal right to do."

However the right hon. and learned Gentleman the Home Secretary might try to turn and distort the Amendment, it followed most accurately the language of the clause; and if it was unjust, the clause itself was unjust. The Prime Minister had said he would be pleased to insert, in some other part of the Bill, words which would allow a class to combine against their employers for its own benefit, but which would treat as intimidation a combination of a class for any other objects than those peculiar to itself and directly benefiting itself. Now, of course, that was an advantage to a certain extent. Even such a concession as that allowed some small area of combination to be free and open to the Irish people. The words of the Prime Minister, however, ought to be introduced in this clause; they ought to be introduced while the Committee were engaged in the discussion of this clause, because both the strength and weakness of the clause were present to the minds of hon. Gentlemen. They were all perfectly conversant with the subject; every point in relation to the subject was fresh in their minds; but if they allowed the clause to pass unamended, in the expectation of a new clause being introduced somewhere later on to deal with the particular question now before them, they would, to a large extent, have to do all their work over again; they would have to reconsider the whole question; they would have to raise again all the points which they had been trying for the last three or four days to settle. Merely on the point of economy of time and fitness, they ought to finish the clause while they were upon it, and not have to take the question up in the form of a new clause at a time when a good deal had faded from the minds of the Committee. There was another objection to the sort of postponement pleaded for by the Prime Minister and the Home Secretary. They were asked to let go of the present clause without exactly knowing what for. They had not the words of the intended concession of the

Government before them. He maintained that, even if the concession was to be introduced in a future clause, they ought, before they left this clause, to know, at any rate, what would be the exact form of the concession. They would then know what they were to get by consenting to the despatch of this clause as the Government desired. It seemed to him that, however clear, generally speaking, the purport of a speech might be, when they tried to put that general purport into a set form of words, they found that the difficulty arose because the form of words might be such as to necessitate some action on the part of the magistrates who were to administer the clause, which would be very objectionable. The Committee ought to have the words of the proposed concession before them, so that they might satisfy themselves as to the manner in which the magistrates, who were distrusted by the Irish people, were to act. To say that a combination of a class in Ireland for its own interests should be lawful, but that a combination of a class to promote the interests of any other class should be unlawful, was, he confessed, a singularly unsatisfactory form of expression. When labourers struck in England there was no such nice examination of the *pros.* and *cons.* of the question. When the agricultural labourers struck some time ago — and strikes of these labourers were not always in consequence of local grievances, but sometimes in consequence of a desire of the labourers of one county to support those of another county—the right of English labourers to combine was so strictly guarded that, when a rumour arose that the War Office was lending the services of the soldiers to the embarrassed farmers for the purpose of doing the work of the labourers on strike, questions were asked in this House; and at once the then War Minister—he believed it was the Secretary for War in the late Government—replied that great care would be taken that the soldiers should not be employed by any farmers in the place of the labourers on strike. The case he had referred to illustrated the sanctity with which the right of English labourers to strike was surrounded. Let them test the Prime Minister's definition of what was legal and what was illegal by an example. The Prime Minister said—and he (Mr. O'Donnell) was happy to have the matter explained satisfactorily by any Member of the Government—the right hon. Gentleman said that the combination of a class in its own behalf would be a legal combination, even if this Bill was passed into law; but that a combination of a class on behalf of another class would be an illegal combination, and would be punishable under the summary powers of the Act by six months' imprisonment with hard labour. Let them take, for example, a combination of tenants upon an estate, or upon a number of estates, for the purpose of obtaining a reduction of rents. The Prime Minister admitted that, under this Bill, just as before the Bill, such a combination would be legal, because it was a combination of tenants for their own benefit. But let them go a step further. Suppose the landlords of the estates on which the tenants had combined in their own interests also combined to hold out against the tenants, converted all the tillage farms into pasture land, and then applied to a number of labourers or herdsmen to work on the pasture lands. All this was done, let the Committee suppose, for the purpose of effectually thwarting the determination of the tenants; and let them suppose, further, that the agricultural labourers or herdsmen refused to work upon the new pasture lands, which had been converted by the landlords into such lands from tillage farms, in order to defeat the combination of the tenants. Was he to understand that the refusal of the labourers to help the landlords to break down the combination of the farmers would be treated as a criminal offence on the part of the labourers? If so, human sympathy itself would be made penal, and the feeling of man for man would be made a crime. Let them suppose that this clause was passed without any amendment, which would prevent such a monstrous exercise of tyrannical power as that, and then let them test the working of this unamended clause in another way. Let them imagine that the magistrates empowered to carry out this law did, when labourers refusing in any way to co-operate with the landlords in breaking down the combination of the tenants, were brought before them, throw them into prison, was there any idea on the part of any sensible man in that House that such an exercise of the powers of this Act would produce anything but semi-insurrection in the district? Let them take the example of a large district in which the tenants had been on strike. The landlords used their powers to evict those tenants, and then, as he had before premised, applied to the agricultural labourers or herdsmen of the district to assist them, by turning the land into pasture land, in defeating all hope of the tenants coming back on the land; let them suppose that the labourers and herdsmen refused to ally themselves with the landlords, and that, in consequence of their refusal, a large number of them were seized by the magistrates, and thrown into prison for six months with hard labour. He defied any Government exercising the powers of this Act in that manner to hold Ireland with less than 200,000 men. If the magistrates were to throw into prison labourers who combined in refusing, in such a case, to assist the landowners who were the common oppressors of tenants and labourers alike, the people of the district would infallibly be driven to semi-insurrection. If the object of the Government was to introduce in Ireland law and order, instead of an extended area of illegality and disorder, it was absolutely necessary for them to clearly define what kinds of combination they would allow, to take care to define legal combination in such a manner as to allow of its use for every real and legitimate purpose. If the Government did not do this, the result of the operation of the Bill would be widespread illegality and crime; and the crime, in that case, would assume, in the eyes of nine-tenths of the population, the appearance of legitimate defence. If half the population was to be bullied and restricted in its actions in consequence of its sympathy with the other half, a state of things would be created which no ingenuity could distinguish from the legitimate resistance of the people to unlawful tyranny.

Question put.

The Committee *divided*:—Ayes 33; Noes 96: Majority 63.—(Div. List, No. 127.)

Mr. HEALY moved, in page 3, line 29, after "living," insert—

"Provided, That membership of any association or organization for political or social purposes, the rules, objects and constitution of which are legal, shall not render any member of such association or organization liable to a charge of intimidation, or for any acts done by any other person to which such member has not been a consenting party."

The object of the Amendment must be clear to the Committee. It was that no organization of a political or social character should be rendered illegal by the clause. He and his hon. Friends feared that the Government would say there were certain organizations of this character the mere membership of which was illegal; they wished to have it distinctly stated by the Government that the system of constructive intimidation which was pursued by the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) should not be carried out under the new *régime*. The late Chief Secretary held that if a man was a member of a local Land League, he was responsible for everything done by the organization. If a number of tenants on an estate agreed that they would refuse to pay rent except at a reduction of 25 per cent, the right hon. Gentleman held that the whole of them had been guilty of intimidation. This Amendment was to relieve a member of any particular association from the responsibility of any acts to which he had not been a consenting party. The Committee had heard a great deal from the Government as to what they were willing to do to conserve the rights of association. It was surprising to him that they did not put clearly on the Paper what they were going to do. Promises had been given by the Home Secretary and the Attorney General. Promises as to what was to be done had been repeated for the 20th time; and yet, for the 20th time, the Irish Members were to get up and ask what it was the Government were going to give them? It was high time an understanding was arrived at on the point. It seemed to him that when dealing with the Irish Members the Government did not think it necessary to adhere to the common usages of the House—that was, that where a promise was given, and where reasonable time had been allowed, the Government should put their views upon paper. It was all very well for the Home Secretary to say he would propose an Amendment to preserve the rights granted in the Act of 1875. Why did not the right hon. and learned Gentleman put his intentions into words, and let those words appear on the Paper? There were two Irish Law Officers who, as far as could be judged, had not very much to do with the Bill. Why did not the Government employ those Gentlemen to draw up the Amendment, so that the Committee could have the intentions of the Government in black and white? The Irish Members had proposed Amendment after Amendment; but they had been resisted by the very Gentlemen who admitted there was a vacuum, but who did not supply it. There seemed to be a wish to lure the Irish Representatives on, so that they might get to the end of the Bill before they knew exactly what the Government were going to do. Why should the Government treat himself and his hon. Friends in any different manner than they treated the Tories on the Land Bill? On that occasion the Tories had simply to ask that the Government Amendments should be put on the Paper, and the request was immediately complied with. His Amendment was a most moderate one, and he trusted the Government would see their way to accept it. It was most unsatisfactory to Irish Members to be met with the statement that the Government would consider their proposals, and see what could be done at a later stage of the Committee or on Report. In respect to this particular Amendment, he hoped they would hear a distinct statement as to the intentions of the Government.

Amendment proposed,

In page 3, line 29, after "living," insert "Provided, That membership of any association or organization for political or social purposes, the rules, objects and constitution of which are legal, shall not render any member of such association or organization liable to a charge of intimidation, or for any acts done by any other person to which such member has not been a consenting party."—(*Mr. Healy.*)

Question proposed, "That those words be there added."

SIR WILLIAM HARCOURT said, the Amendment was about as relevant to the clause as it would be if it related to sheep stealing. He had no objection whatever to there being a saving clause making the declaration that the Bill was not intended to interfere with organizations for mere political purposes. There was nothing in the clause which had the slightest tendency to make the membership of an association for purely political purposes unlawful. He presumed what the hon. Member wanted was a declaration that the Bill was not intended to interfere with a legitimate political organization. When they came to Clause 6, which had relation to unlawful associations, they would consider the advisability of such an Amendment as was now proposed; but, at this stage of the Bill, the Amendment was, undoubtedly, out of place.

MR. HEALY said, it was all very well for the right hon. and learned Gentleman to say this Amendment had no more relation to the clause than if it had dealt with sheep stealing. The Irish Members knew a great deal more about Ireland than the Home Secretary did, and they knew exactly how the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), who invented the intimidation business, had worked the business. The Home Secretary would excuse him for saying there was a great deal more relevancy in the Amendment than there would have been if it had referred to sheep stealing. The present argument of the Government was only a specimen of the sort of argument to which they had been treated all through by the right hon. and learned Gentleman the Home Secretary. The right hon. and learned Gentleman appeared to think it was quite sufficient to satisfy the Irish Members for him to get up and deliver a sacramental utterance from the Treasury Bench. Irish Members, however, refused to recognize the right hon. and learned Gentleman's high priestly oratory. He challenged any hon. Gentleman to find sense or logic in what the right hon. and learned Gentleman had said in reply to his Amendment. What could be done with a Government, when its Representative, in a particular instance, instead of meeting arguments by counter arguments, said—"We cannot accept this Amendment; it would be just as relevant if it related to sheep stealing?" Such was the way, indeed, in which the Committee had been treated all along by the right hon. and learned Gentleman. He (Mr. Healy) ventured to say, that if anybody else had been in charge of the Bill it would have got through in three days. They were now, however, for the fourth day, on Clause 4; they proposed Amendment after Amendment; but they were told that the Government could not accept them, for some reasons or other which were wrapped up in such an amount of mystery that no one could understand them. This Committee was supposed to be conducted in a reasonable spirit; they were supposed to debate Amendments; but it was impossible to do so when there was nothing tangible to lay hold of in the replies of the Home Secretary.

Mr. LABOUCHERE said, it was painful, considering how anxious they were that this Bill should pass, that they should meet so much obstruction at the hands of the Home Secretary. If the right hon. and learned Gentleman had throughout taken a fair and reasonable view of the Amendments, and had, if he could urge nothing substantial against them, agreed to them, he (Mr. Labouchere) was perfectly certain the Bill would have already passed through the Committee stage. In meeting the present Amendment the right hon. and learned Gentleman said it was just as relevant as if it applied to sheep stealing. If it would do no harm, why should not the Home Secretary admit it in the Bill? If hon. Gentlemen from Ireland were of opinion that the Amendment would do good, and if the Home Secretary was of opinion it would do no harm, it did seem to amount to obstruction on the part of the Home Secretary if he would engage in two or three nights' wrangle rather than assent to it. He and certain Members of the Committee might be fools—perhaps they were. Anyhow, let the right hon. and learned Gentleman recognize the fact, and treat them according to their folly. He considered the Amendment was exceedingly pertinent to the Bill. What did it say? It said—

> "That membership of any association or organization for political or social purposes, the rules, objects, and constitution of which are legal, shall not render any member of such association or organization liable to a charge of intimidation, or for any acts done by any other persons to which such member has not been a consenting party."

Now, let them suppose that it was intended to carry on a Tenant League Association in Ireland. A Tenant League Association was perfectly legal; it existed in England. What he understood hon. Gentlemen opposite were anxious to know was this—whether, if they were members of such an association, they would be liable for any loose word which was used in Tipperary by some person who was also a member of the association? He was perfectly certain that was not the intention of the Bill; but hon. Gentlemen believed that the Bill might be so twisted by the Resident Magistrates who had to administer the law. What earthly objection could there be on the part of the Home Secretary to allow the insertion in the Bill of some Amendment to guard against such an interpretation as hon. Gentlemen feared? Hon. Gentlemen did not ask that it should be inserted in this particular part of the Bill. If the Home Secretary thought it should not be inserted here, they were perfectly willing to have it inserted in another part of the Bill. All they asked was that words which conveyed the same meaning as the Amendment should be somewhere inserted.

Mr. GLADSTONE said, that if he rightly understood what had fallen from his hon. Friend the Member for Northampton (Mr. Labouchere), there was no difference in substance between hon. Members opposite and the Government, because the Home Secretary had declared his intention and his desire to make adequate security in the Bill for the freedom of political association and organization; so that, in regard to that description of liberty in Ireland, there could be no fear. His right hon. and learned Friend had said—and he quite agreed—that it would be much more convenient to insert a provision to that effect in a distinct and separate clause than to attach it to this particular clause, because, if it were attached to this particular clause, to which he thought it had no special or proper relevancy, it might be interpreted to apply to this particular clause alone; whereas, if it were put in as a separate clause it would override the whole Bill, it would affect all the clauses equally, and it would be more efficacious for its purpose. He hoped, therefore, there would be no inclination to press the matter further.

Mr. HEALY said, he would be happy to meet the wishes of the Government by withdrawing the Amendment. It was a pleasure to deal with the Prime Minister, because from him they always received satisfaction. He would, however, ask the Government to put their words on the Paper. Surely, that was not too much to ask. He trusted he and his hon. Friends would find, on the part of the Government, the same desire to meet their wishes as they had always displayed to meet the wishes of the Tory Party. Whenever the Tory Party asked to have Amendments put on the Paper, the Government immediately consented to produce them. The Irish Members ought to be treated according to the relevancy and scope of their arguments, and not as though they were a handful of 20 men. He would ask leave to withdraw his Amendment; but he hoped that when they met to-morrow they would find the Government Amendments on the Paper.

MR. TREVELYAN said, the Government sincerely wished to carry out the general views of hon. Gentlemen opposite. The hon. Member (Mr. Healy) asked why the Government treated a small Party in a manner different from that in which they would treat the Conservative Opposition? It was because hon. Members below the Gangway opposite had shown a little less confidence in the willingness of the Government to carry out its promises than the Government thought ought to be shown. He assured hon. Members in that quarter of the House that the Government were sincerely anxious to put the clauses on the Paper as soon as possible. He would engage, that as soon as the matter had been matured to the satisfaction of the right hon. and learned Gentlemen in charge of the Bill, the clauses should be placed on the Paper.

Amendment, by leave, *withdrawn.*

MR. SYNAN moved, in page 3, line 29, after "living," insert—

> "Provided, That any agreement, or any lawful act in pursuance thereof, by or among tenants, to support each other in demanding a reduction of rents, or any act to persuade others by argument to do the same, or any agreement or lawful act of labourers to support each other in demanding an increase of wages or more convenient conditions of labour, or to persuade others by argument to do the same, or any combination for political or social purposes and legitimate objects by constitutional means, shall not be considered as illegal within the meaning of this Act."

He could not see what objection there could be to the first two branches of his Amendment, but he presumed the latter part would be open to the same objection as the Amendment which had just been withdrawn. After a long discussion they had come to the conclusion that the definition of intimidation could not be exhausted by illustration; and, therefore, in his opinion, the only way to define the offence was by a negative process—namely, by telling the people of Ireland what should not be within the meaning of the clause. The people ought to know whether combination for a legal purpose, with legal motives and legal intentions, would come within the meaning of the clause or not. They had a good illustration before the Committee a few moments ago, in which it was in the power of the magistrate either to say that an act was done with the intent of intimidating, or it was not done with the intent of intimidating. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) made the extraordinary statement that if a labourer in Ireland stated that he did a certain act for the purpose of increasing his wages no one would believe him, but the magistrate would believe he did it for the purpose of intimidating his employer. So they had it upon the authority of the right hon. and learned Gentleman that even if a labourer said he had done a certain act or spoken a certain word for the purpose of obtaining a rise of wages, the Court before whom he was brought would not believe it. If the Home Secretary objected to the latter part of his Amendment, he would gladly withdraw it and bring it up subsequently. The two first portions of the Amendment, he maintained, were absolutely necessary to protect innocent people from the punishment provided in the clause. Let them look at the clause, and see whether it was requisite for the protection of the tenants and labourers that this qualification or saving clause should be inserted. The clause said that—

> "Any word spoken or act done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

Suppose the tenants combined and applied to the landlord for a reduction of rent, it would be for the magistrate to decide whether they so combined with the intent to injure the landlord in his person, or property, or business, or means of living. In the same way, if any labourers combined for the purpose of obtaining an increase of wages, it would be, under the clause as it now stood, in the power of the magistrate to say whether or not they so acted to injure their employer. The tenants might say they had combined to get a reduction of rents, and the labourers might say they had combined to get an increase of wages; but, in the opinion of the right hon. and learned Gentleman the Member for the University of Dublin, that would be all sham and pretence, and no man in Ireland would believe a word the men said. Because he believed the Amendment he had proposed would afford some protection to men who combined with a lawful intention, he commended it to the Committee.

Amendment proposed,

In page 3, line 29, after "living," insert "Provided, That any agreement or any lawful act in pursuance thereof, by or among tenants, to support each other in demanding a reduction of rents, or any act to persuade others by argument to do the same, or any agreement or lawful act of labourers to support each other in demanding an increase of wages or more convenient conditions of labour, or to persuade others by argument to do the same, or any combination for political or social purposes and legitimate objects by constitutional means, shall not be considered as illegal within the meaning of this Act."—(*Mr. Synan.*)

Question proposed, "That those words be there added."

Mr. DILLON said, he rose to support the Amendment, and in doing so he would like to put a few questions to the right hon. and learned Gentleman in charge of the Bill. It had been stated from the Treasury Bench, to his intense surprise, that it was notorious that in England strikes only took place for the purpose of obtaining an increase of wages. He did not know very much about English strikes, and that was news to him. He wished to ask men who did know England better than he did whether it did not often happen, if an employer dismissed the ringleaders of the union, the men of the union did not strike work with the object of compelling the employer to take back their leaders? If that be true, and if this Act applied to England, would not the workmen be clearly and distinctly and undeniably guilty of intimidation? And if that were done in Ireland, would not the men be liable, under this clause, to six months' imprisonment with hard labour? The Attorney General said it was really the intent that made the crime. Did the men who in England struck work in order to compel their employers to take back certain other men do it for their own benefit? He had only mentioned one case, but it was a case so strongly in favour of the contention of the Irish Members that there was no necessity to go further in the way of illustration. If the Government were not able to declare that what he had stated now was not permissible under the law in England, he did not see how they could continue to assert that the rights of labourers in Ireland would be as safe as they were at present under the law of England. The Committee had been told that they might rest perfectly certain that in case labourers in Ireland struck work, or left their employment for their own benefit, this Act would not be put in force against them; but they had the declaration of a right hon. and learned Gentleman, who represented more accurately than any other hon. Member the magistrates who would have to interpret this Act—they had his declaration that it was notorious that, no matter whether a labourer in Ireland said he had left his employment for his own benefit or not, he was not to be believed.

Mr. GIBSON said, what he had endeavoured to convey to the Committee was, that if one particular intent was alleged, the ingenuity of the race was such that he had very little doubt they would make out another intent.

Mr. DILLON asked what was the conclusion they must arrive at even from the explanation of the right hon. and learned Gentleman? It was that because they might have the intent to coerce their masters, and the ingenuity of their race enabled them to prove another intent, they were not to be able to follow their employment at all. The statement of the right hon. and learned Gentleman was simply this. So great was the ingenuity of the Irish labourers and the Irish agitator that they would be able to prove they acted with some other intent than the one alleged, and, therefore, they must not be allowed to do the act at all. The right hon. and learned Gentleman liked to put the thing in an attractive form; but that was his opinion, it was the opinion of the class for whom he spoke, it was the opinion of the magistrates of Ireland. The magistrates would simply ask the landlord of the district whether he believed the act complained of was done with intent to coerce him, and his word would unquestionably stand before that of the labourer. There were in every district of Ireland men who were marked. They were the men—farmers and labourers—who had incurred the odium of all the landowners of their county or district, because they were the local leaders of the Land movement. He wished to ask whether, if these men were dismissed their employment, and if their fellow-labourers struck work in order to compel the landlords to take the dismissed men back, the men who had struck work would be liable to punishment under this clause? Clearly, in the words of the clause, they would strike in order to intimidate men to do "an act which they had a legal right to abstain from doing"—namely, to take back certain men whom they had dismissed because they had become obnoxious. Would the Government say that the right of labourers to strike, in the case he had cited, did not exist in every workshop in England? Did not the Government know that many leaders of unions in England would have been ruined if it had not been for the existence of the right of strike to compel their return? It was well known that in Ireland many men who had been loyal to the Land League would have been hunted from their employment had it not been for the protection afforded them by the sympathy of the district; it was well known that many men who had been starved out by the landlords of the district unless the League had come to their aid. It was the duty of the Government to answer this question. Might labourers strike with the object of compelling landlords to take back certain obnoxious men who had been driven from their employment on account of the political views they held? There was another branch of the question which deserved consideration. If the tenants in Ireland combined for the purpose of getting a reduction of rents, would that or would it not be treated as an offence under this Act? That was a question which would strike home immediately, and, so far, the Government had made no definite statement with regard to it. He knew of estates in the West of Ireland on which the tenants were in a state of complete destitution. He believed that the proper way for these tenants to avail themselves of the Arrears Act would be to meet together, and go to their landlords and say—"We can only give you a small portion of your year's rent." If they did meet and consult together, would they be held guilty of an offence under this Act? It might be said that the Act would not deal with every mere act of combination and with every word spoken and act done. With such a statement he and his hon. Friends could not be satisfied. What they wanted to know was, would it be held to be an offence under the Act if certain tenants came together and agreed to simultaneously ask for a reduction of rent? If the Government would say that under no circumstances would that be held to be an offence many objections to the Bill would be removed. He was entitled to a clear and distinct answer as to whether the right of combination and strike, which he had shown now existed in England, would, after the passing of this Act, exist in Ireland?

THE ATTORNEY GENERAL (Sir HENRY JAMES) asked the Committee to recollect what was the particular Amendment before them. His hon. Friend (Mr. Synan) had kindly supplied him with a copy of the Amendment, but the handwriting was so like his own that he had great difficulty in understanding what the Amendment was. As the Amendment had been put by the Chairman, he gathered that it embraced three points. Two of those points had been disposed of already, and the third point had just been raised by the hon. Member for Wexford (Mr. Healy). The Home Secretary and the Prime Minister promised that a saving clause should be inserted with respect to combinations for political and social purposes, and thereupon the hon. Member for Wexford withdrew his Amendment. The only difference between this and some previous Amendments was that it referred to combinations of labourers and tenants for the purpose of securing some object peculiar to themselves. The Home Secretary and the Prime Minister had repeated over and over again that a fair or political combination to obtain, by fair discussion and agitation, that which was a legal result would not be dealt with by this Act; and there had been a promise made by the Chief Secretary to the Lord Lieutenant of Ireland that a general saving clause to protect such fair discussion and such fair political action, should be placed on the Paper as soon as possible. If that which was referred to in this Amendment came within that fair agitation and that fair discussion, the saving clause of the Government would cover it, and it would not be considered an offence. If what the Amendment contemplated amounted to that intimidation which would prevent a landlord acting as was suggested in Sub-section *a*, or cause him to abstain from a legal act mentioned in Sub-section *b*, it would be an offence. All this had been stated over and over again. This Amendment really seemed a serving up of previous Amendments, and he asked whether they were not now repeating old attacks and defences of the Bill?

Mr. T. P. O'CONNOR said, he and his hon. Friends renewed their attacks over and over again because the right hon. and learned Gentleman had given an answer which he knew was no answer. The Government were asked whether farmers would be allowed to combine for the purpose of obtaining a reduction of rents, and whether labourers would be allowed to combine for the purpose of obtaining an increase of wages? Right hon. Gentlemen came down to the House and said these men would be allowed to combine if their combination was legitimate. They, however, left the legality or the legitimacy entirely to the judgment of the magistrate. What was wanted was that the lines between legality and illegality should be strictly laid down in the clause. They had asked the Home Secretary over and over again to do that, and that was what the right hon. and learned Gentleman had over and over again refused to do. The hon. and learned Gentleman the Attorney General had just said—"Yes, the farmers and the labourers will be allowed to combine if they don't come under Sub-sections *a* and *b* of this Act." What was Sub-section *a?* It was a sub-section rendering it illegal to cause a person to abstain from doing what he had a legal right to do, or to do what he had a legal right to abstain from doing. A landlord had a perfectly legal right to refuse to reduce his rents; therefore a combination to cause him to reduce them would come under this section. An employer of labour had a perfect right to refuse to raise the wages of his workpeople; therefore a combination to cause him to raise them would come under the section. He wished the right hon. and learned Gentleman the Home Secretary would acquire a little ingenuousness as well as acumen, and would learn to give a plain answer to a plain question.

Mr. ARTHUR ARNOLD said, the hon. Member for Tipperary (Mr. Dillon) had referred to English trades unions with far greater accuracy than the right hon. and learned Gentleman the Member for Dublin University (Mr. Gibson). The organizations referred to by the hon. Member opposite (Mr. Healy) were clearly organizations for social purposes. He would suggest that the Amendment should be withdrawn, believing that it would be better, before proceeding further with it, to see the clause the Government proposed to lay before the Committee.

Mr. SYNAN said, he thought that, on the whole, the best course to take would be to withdraw the Amendment, and make it the subject of a clause, in case the suggestion of the Government was not satisfactory.

Amendment, by leave, *withdrawn.*

Mr. PARNELL said, that before the Chairman put the Question, "That Clause 4 stand part of the Bill," he wished to propose an Amendment which would not come within the censure pronounced against the last one or two Amendments that had been moved; and he trusted that in so doing they would be able to draw out of the right hon. and learned Gentleman more of his mind than he had hitherto, in his discretion, thought it desirable to part with. The right hon. and learned Gentleman had said that he could not agree to the Amendments of the hon. Member for Wexford (Mr. Healy) and the hon. Member for the County of Limerick (Mr. Synan), because they would interfere with the subject of some subsequent clauses he proposed to bring up for protecting the right of combination, association, and so forth. But the Irish Members felt that if the clause passed it would be difficult indeed to protect the right of combination by subsequent clauses, and to protect the individual who might belong to an association from punishment, not on account of individual action, or of combination or association, but on account of the act of some other single person, a member of the same association. They might be unable to bring this question of the definition of intimidation again before the Committee on subsequent clauses; in fact, the present clause, without some definition, left the whole matter in a most unsatisfactory position. They could not hope that any clauses dealing merely with the right of association, and leaving individuals open to the punishment of the present clause, would be satisfactory. The Amendment he wished to propose was contained in the following Proviso:—

"Provided, That a person leaving his employment, or breaking a contract, or refusing to buy of any other person or persons, shall not be held to be guilty of intimidation for such acts by themselves, unless it can be shown that such leaving of employment, breach of contract, or refusal to buy was not undertaken by such person for his own benefit, but for the purpose of inflicting injury upon some other person."

That Proviso included the definition of intimidation given by the Prime Minister this evening—it carried out the construction the right hon. Gentleman had put upon the clause. He should have very much preferred the Government to move their own Proviso. No doubt they would have done it in much better language than that which he had adopted; but he and his Friends had felt that, from their point of view, it was absolutely necessary there should be some Proviso of this kind with regard to these three matters—breach of contract, refusal to buy—they had given up refusal to sell—and leaving employment. These were three things a person was entitled to do under the present Law of Intimidation without incurring any penalty under the Criminal Law. The Prime Minister had stated that, in his opinion, the present Law of Intimidation should be added to and in some way amended to make it penal for persons to do these things where they did them, not for their own benefit, but for the purpose of inflicting injury upon someone else. He (Mr. Parnell) had adopted the right hon. Gentleman's definition in his Amendment; and he should now test the *bona fides* of the right hon. and learned Gentleman the Home Secretary by asking him whether he would accept it?

Amendment proposed,

At the end of the Clause, to add the words "Provided, That a person leaving his employment, or breaking a contract, or refusing to buy of any other person or persons, shall not be held to be guilty of intimidation for such acts by themselves, unless it can be shown that such leaving of employment, breach of contract, or refusal to buy was not undertaken by such person for his own benefit, but for the purpose of inflicting injury upon some other person."—(*Mr. Parnell.*)

Question proposed, "That those words be there added."

SIR WILLIAM HARCOURT said, this Amendment was really beginning over again the whole of the controversy, which had just occupied them five hours. The Amendment was really nothing more nor less than that they had discussed when the debate commenced this evening, and he had no answer to give to it beyond that which had been given by the Prime Minister—that was to say, that as far as it was a legitimate Amendment, it was contained in the words to the effect that an act should be an offence if it was done in order to produce injury by ruining some other person in his business. If the Amendment meant that, it was already in the Bill; and if it meant anything more than that, it was something the Government could not accept. Apart from that, he was not willing to put into the Bill anything, directly or indirectly, to render breach of contract criminal. It was a civil offence, and could be punished by civil process. What was the use of declaring that a breach of contract under ordinary circumstances should not be intimidation? Of course, a breach of contract was not intimidation. There was really no ground whatever for saying that this was to test the *bona fides* of the Government. He was at a loss to imagine how there could be a more distinct *bona fides* than to state exactly what they meant—to state what they meant in such a manner as to bring it home to the mind of every reasonable man.

MR. T. P. O'CONNOR said, he was very sorry the right hon. and learned Gentleman had made up his mind to obstruct the progress of this Bill as much as he possibly could. He had kept them for the past five hours discussing a point which was conceded by the Prime Minister, because he was not willing to put into the Act words to carry out the interpretation of the Prime Minister and his own interpretation of this new law. The right hon. and learned Gentleman had said he did not wish to include breach of contract in the Bill, that being a civil offence which could be proceeded against by civil process. But the right hon. and learned Gentleman knew as well as he (Mr. T. P. O'Connor) did that the clause in its present form, going before such a tribunal as it would go before, would have the effect of causing breaches of contract to be proceeded against criminally and criminally punished. The right hon. and learned Gentleman knew that as well as anyone, and it was no use his affecting innocence on the point. This clause, as it stood, going before the tribunal before which it would go and under the circumstances by which it was accompanied, would plainly mean that breach of contract by a farmer or labourer against the now dominant and vindictive landlord class in Ireland would be construed into a criminal offence by that tribunal and criminally punished. Everyone acquainted with the circumstances of Ireland knew that, and the right hon. and learned Gentleman knew it too. If he did not know it, it was because his ignorance with regard to the state of feeling amongst the different classes of Ireland incapacitated him from taking anything like a rational view of anything in connection with this Bill. Did any reasonable man mean to tell him (Mr. T. P. O'Connor) that, as the clause stood, combination as to reduction of rent would not be construed by the tribunal to whom this clause would be sent for adjudication into a criminal offence, for which six months' imprisonment would be given? The right hon. and learned Gentleman had appealed to the common sense of the Committee, and had appealed to common experience, to say whether a civil offence like breach of contract was likely to be treated as a criminal offence. But had not people been guilty of a criminal offence in breaches of contract in the view of the the right hon. Gentleman the Member for Bradford (Mr. W.E. Forster)? Would anyone deny that, under the Coercion Act of last year, farmers had not been sent to prison for no greater offence than combination against the payment of unjust rents? If they were to be taught by experience, he would say their experience of the right hon. Gentleman the Member for Bradford was that he so used, or misused, or abused the exceptional powers placed in his hands for the repression of crime as to criminally punish what were only breaches of civil contract; and as that was their experience of the action of the late Chief Secretary for Ireland—an official who came before them in the House, and could be called upon to explain his conduct—were they to expect anything less from a tribunal of magistrates, which did not come before them in the House and could not be interrogated? Why did not the right hon. and learned Gentleman put something in the Bill protecting these breaches of contract from criminal prosecution, as in England they were protected by Statute? The right hon. and learned Gentleman was endeavouring to filch away from the Irish people those privileges which a plain interpretation of the words of the Prime Minister entitled them to expect; and he had the coolness, after having pressed this—as every other—clause of the Bill on them, to turn round and accuse the Irish Members of impeding the progress of the measure. It was very well known what the right hon. and learned Gentleman's attitude as to the whole Bill was. It was a matter of common notoriety—it was well known to every Member of the Committee—that it was a matter of boast with the right hon. and learned Gentleman that he was carrying the Bill through without making any real concession to the wishes of the Irish Party. He wished to make the Bill so wide that the discretion of the Government in Ireland would be large and autocratic enough to put down any movement that would displease the Executive for the time being. Under the Bill, every movement, legitimate or illegitimate, Constitutional or unconstitutional, was at the mercy of the Executive, and that was what suited the Ignatieff-like disposition of the right hon. and learned Gentleman.

Mr. DILLON said, the difficulty they were in was this, that if the clause went through in its present shape, no saving clause would be able to save individuals from its consequences. The assurances of the Government had been extremely vague, and once this clause passed without a Proviso such as that proposed, nothing that could be subsequently done would be effectual to protect the individual. The clause, as had been pointed out by the right hon. and learned Gentleman himself, dealt not with associations and combinations, but the acts of individuals, so that a saving clause to protect the rights of associations would in no way save the rights of individuals. The right hon. and learned Gentleman the Home Secretary himself, in answer to a question this evening, had said that if a labourer left his employment, or a farmer refused to pay his rent with the forbidden intent, he was guilty of an offence under the Bill. Now, what was the forbidden intent? It was to cause any person to do any act which such person had a legal right to abstain from doing, or to abstain from doing any act which he had a legal right to do. Did not this bring under the clause the case of a farmer who refused to pay his rent in order to get his landlord to lower it? The thing appeared to him to be as clear as daylight; he did not care what saving words were introduced. And if that were the case with the farmer who appeared to pay his rent, what would be said of the farmer who refused to pay his rent with the idea of getting his neighbour's rent lowered? — for the Courts would hold in some cases that the farmers acted in this way. A number of farmers might agree to refuse to pay their rents until they obtained a reduction; then the Court would hold in the case of any one of them who might be proceeded against, that he was withholding his own rent in order to get his own rent and that of his neighbour lowered. If this man was let off by virtue of the saving clause referring to combinations, he could be immediately captured for acting in his individual capacity. Then they had the definition of the Attorney General (Sir Henry James), who said that if a man wished to obtain an advance of wages and agitated for it, he did not commit an offence; but that the whole question was as to the intent which, in order to bring a person under the provisions of the measure, must have been to intimidate. He (Mr. Dillon), however, contended that intimidation under this Bill was practically synonymous with putting pressure on a man. The Government had so drawn the measure that anything that put pressure on a man to induce him to do a certain thing, was an intimidation. The Prime Minister himself, when pressed on this point, said that in the case of a farmer who refused to pay his rent, or of the labourer who left his employment, the objects they had in view in so acting would be taken into consideration; but, that in the measure, the Government could not define what were and what were not evil purposes. The purposes, as they found them in the open definition of the Bill, would include everything that a man could legally do, or legally abstain from doing. Under the technical wording of the measure, the most innocent combinations might be visited by the magistrates with severe punishment. As had been already pointed out, these magistrates would, in the action they took, be, to a large extent, guided by social reasons. The magistrates of Ireland socially depended entirely on the gentry; therefore, it was evident they would be very much guided, as to what was legitimate and what was criminal, by the opinions of men at whose tables they dined, and whose company was the only company they ever went into. If the Bill passed in its present form, the law of Ireland would be different to that of England—different to that which applied to the Home Secretary's own constituents. A very strange thing had occurred in Derby—the town the right hon. and learned Gentleman represented—only last Sunday. One of the right hon. and learned Gentleman's own constituents had sent him (Mr. Dillon) an extract from a sermon preached in a Baptist chapel in Derby on Sunday. In this sermon the minister had said, in regard to the movement amongst shopkeepers for giving half-holidays on Saturdays to their assistants, that there were some employers so selfish that they would not join in the movement; and to such people he would have no hesitation in saying he would withhold his custom from them; they ought to be "Boycotted" and sent to Coventry. The general community, as far as they could, should have nothing to do with them. These words were spoken by one who, no doubt, was a leading supporter of the right hon. and learned Gentleman the Home Secretary in Derby. Would the right hon. and learned Gentleman, then, undertake to extend this Coercion Act to his own constituents, who seemed to have an inclination to follow in the path of the Irish people? He (Mr. Dillon) saw in the same newspaper from which the extract he had referred to had been taken, that an elaborate league had been entered into with the shop-assistants of Derby with a view of "Boycotting" and destroying the business of any shopkeeper who refused to give his *employés* a half-holiday on Saturday. There were notices put up in some of the shop-windows declaring—"We give a half-holiday on Saturdays to all our assistants;" and a canvass was now going on in the town to get the people not to deal with those who would not give the holiday. Would not the right hon. and learned Gentleman, therefore, insist upon having this clause extended to Derby, with the object of getting some of his constituents, who were guilty of this open intimidation, sent to prison? If he would be in Order, later on he should move that the provisions of this Bill be extended to Derby.

Mr. BARRY said, he was sorry to see a strong Government like the present Government throwing responsibility from their own shoulders to those of obscure magistrates in Ireland. They were leaving on the Irish magistrates the entire onus as to the interpretation of this clause. The Irish Members had been striving for hours to introduce some words into the clause which would safeguard the right of combination in Ireland, and they were told by the right hon. and learned Gentleman that that right would not be interfered with so long as it did not come within the "forbidden intent" of this clause. Well, what was the "forbidden intent?" According to the language of the clause, it might be any mortal thing. Any possible act on the part of a tenant, or a number of tenants, would come within what the right hon. and learned Gentleman described as the "forbidden intent" of this clause. The forbidden intent of Sub-section *a* was—

> "With a view to cause any person or persons either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do."

There was a meeting in Ireland on Saturday last. A number of labourers met with a view of increasing their wages—of initiating an agitation for an increase of wages. Well, the landlord had a perfect legal right to refuse any advance of wages, and if the labourers, acting in concert, refused to work for that man unless he complied with their terms, clearly under this clause, when the Bill became law, they could be sent to prison for six months. The Irish Members had repeatedly asked the Government whether it was their intention to sweep away everything in the shape of combination in Ireland, and they had always been told that it was not meant to interfere with the right of combination so long as the act committed did not come within the forbidden intent. Would the right hon. and learned Gentleman tell them whether the instance he had referred to just now did or did not come within the forbidden intent? Would the act of the labourers who met in Loughrea last Saturday render them liable, under this Bill, to six months' imprisonment? If so, what was the use of the Government contending that liberty of combination was reserved under this measure to the Irish tenants? It was a perfect farce to say so, and any limitation that might be introduced at the end of the Bill would not be of the slightest value so long as the clause passed in its present shape. The Amendment of his hon. Friend the Member for the City of Cork (Mr. Parnell) did not, in his opinion, ask the Government for a very large concession. It was—

> "Provided that a person leaving his employment, or breaking a contract, or refusing to buy of any other person or persons, shall not be held to be guilty of intimidation for such acts by themselves, unless it can be shown that such leaving of employment, breach of contract, or refusal to buy was not undertaken by such person for his own benefit, but for the purpose of inflicting injury on some other person."

If the intention of the Government was merely and solely to deal with "Boycotting," he submitted that that intention could only be carried out under the Amendment of his hon. Friend; but if the intention was—as he believed it to be—to sweep away every vestige of combination in Ireland, then, of course, they would not accept this Amendment. It would be much better, he thought, and would save a great deal of misconception in the minds of the English Members—there was very little misconception in the minds of the Irish Members on the subject—if the right hon. and learned Gentleman the Home Secretary would get up in his place and tell them honestly and frankly that not only was it the intention of the Government to suppress and put down "Boycotting" in Ireland, but to sweep away every vestige of it.

MR. WILLIAMSON said, he could not support the Amendment. The clause referred to "any word spoken or act done intended to and calculated to put any person in fear," &c. If these words had been borne in mind the Committee would have been spared a great deal of this criticism. In any case he had reason to say this, that Ireland was stained with blood and disgraced by outrages resulting from intimidation, and of all men who should desire to put an end to this state of things, the hon. Member (Mr. Parnell) should be the most anxious.

MR. BIGGAR said, it seemed to him that the Government wished to waste the time of the Committee. The Government and the Irish Members who had advocated different Amendments to the clause before the Committee might thoroughly agree as to what the object was; but the Irish Members simply wished to have the words expressed on the face of the document. The Government said, "We will at some future time bring forward words which will include the idea;" but that was not enough for the Irish Members, who were of opinion that there was no time like the present. It seemed to him that if the Government really were anxious to facilitate the passage of the Bill they would at once put down on the Paper the words they intended to introduce, because, even if, later on, it was found out that there was something wrong in them, it would be very easy to introduce the necessary Amendment on Report. So far as he was able to form an opinion, he did not consider the excuse of the Government —that they had not the words prepared —worthy of the slightest weight. The matter was one of great importance, inasmuch as the magistrates might interpret the clause as they thought proper. They might say that intimidation was intended, when, in point of fact, evidence of intimidation did not exist. The Committee had a good illustration of what might be construed into intimidation in the matter of the erection of huts for the protection of the people who had been evicted from their holdings. These poor people had camped out on the roadside or had been huddled together in the outhouses of neighbouring farmers, and all they had asked was that they should have an opportunity of putting up huts to protect them—some of them as far distant as three miles from their former holdings. But the magistrates thought it right to say that the erection of these huts was for the purpose of intimidation, though there was not the slightest evidence of any such thing. If, therefore, some such words as those now proposed were not inserted in the Bill, some persons who were perfectly innocent might be convicted and sent to prison for six months without the opportunity of obtaining redress. On the other hand, a great many outrages might occur, and, owing to the wording of the clause, those who committed them might get off scot-free. The effect of this clause would be to punish the innocent and let the guilty go free.

Question put.

The Committee *divided*:—Ayes 37; Noes 202: Majority 165.—(Div. List, No. 128.)

Question proposed, "That the Clause, as amended, stand part of the Bill."

MR. JUSTIN M'CARTHY said, he rose for the purpose of opposing the Motion. They were all on those Benches entitled to oppose a clause like this. They had done all they could by honest endeavour to amend it, and had not succeeded. The Government had told them that if they waited long enough they (the Government) would some day distinguish between the acts they intended to include, and those they did not intend to include. The Irish Members had only the vaguest promise; and, as it was difficult to see how the result pointed to could be accomplished, they had nothing whatever to justify them in withdrawing their opposition to the clause. The whole history of the clause was one of disappointment, so far as the Irish Members were concerned. It would not be forgotten how, at an early period of the discussion, when they called attention to the vagueness and danger of the paragraph beginning at line 25, they had received from the Government what seemed to them the generous offer that if they did not like that kind of definition, it could be omitted altogether.

He did not blame the Attorney General (Sir Henry James), who had made that promise, for withdrawing it, as he had been compelled to do so; but it certainly had appeared to them as though it had been made in the light of reason and fairness. The clause would cover almost any word which could be spoken, or any act which could be performed—

> "The expression 'intimidation' includes any word spoken or act done intended to and calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living."

It was clear that, under a clause of this kind, a person could be punished without having belonged to an organization, without having said or written anything to put a man in peril. A shrug of the shoulders, a sullen look, would be an action "calculated to put any person in fear of any injury or danger." To bite one's thumb would be sufficient to bring a man before the magistrates. Under the Act of 1875, the two classes—employer and workman—were placed on an absolute equality before the law; and he wished to know whether this clause would place the two opposing classes—landlord and tenant—on an equality before the law? If the tenant joined an association and put pressure on a landowner to induce him to reduce his rents, he could be punished under the Bill. But suppose a farmer joined some association he believed to be legal, and which was perfectly legal, and suppose it became known that the hon. Member for the City of Cork (Mr. Parnell) or the hon. Member for Tipperary (Mr. Dillon) was coming down to the neighbourhood to address a meeting, and suppose the landlord or the agent told him that if he belonged to that society, or attended that meeting, he would be evicted from his farm, surely that would be intimidation, putting this farmer in most serious fear of "injury to or loss of his property, business, or means of living." Would that be called intimidation when practised by a landlord or an agent against a poor man, if that poor man appealed to a stipendiary magistrate, and charged his landlord with intimidation under the terms of this clause? They knew it would not; therefore, the clause was one-sided. The Bill was intended to put down the tenants' agitation, and to give the landlord and his agent a new hold on the people. If the clause had been one which was likely to attain the ends for which it was proposed, with all its clumsiness and with all its defects, one might have been inclined to pass it for the sake of the small amount of good it might effect; but its only result, he felt sure, would be to promote the establishment of secret societies. It would result in the creation of secret organizations which defied the public law, and which could not be reached by stipendiary magistrates or Judges, except through the medium of informers. He, therefore, held the clause to be most objectionable. It was objectionable in what it would do, and what it would fail to do; it was unequal, one-sided, unjust, monstrously harsh and cruel, and yet, as he had said before, clumsy in its very cruelty. He and his Friends had every reason to condemn it, and accordingly he opposed the Motion that it stand part of the Bill.

Mr. T. D. SULLIVAN said, he had listened to the discussions—or the greater part of the discussions—which had taken place on the various Amendments to this clause, and he had heard the arguments adduced by the Government against those Amendments, and in support of the clause as it stood. But nothing that he had heard from that quarter had enabled him to believe for an instant that in this clause there was any promise of justice, or peace, or good government for Ireland. He saw nothing in it but a means of harassing poor and innocent people, and he did not for a moment believe that it would have the effect of causing the arrest and bringing to justice the perpetrators of serious crimes. He believed that this measure, when it became an Act of Parliament, would be a snare for the feet of the unwary. Criminals would be able to evade it. What sort of persecution was it that was not possible under this Bill—he had been going to say for any class of people to inflict upon any other class? As had been pointed out to the Committee, labourers who lived by the sweat of their brows would not be free to improve their position, to strike for a rise of wages, because, if they did, the landlords, under the terms of this measure, would be able to bring them to account before the magistrates—who were themselves landlords, or the brothers and sons of landlords—to bring them to account for saying or doing something calculated to injure the landlords. He wanted to know whether, under this Act, a master would be free to dismiss his servant; whether giving notice to a servant and telling him he would have to quit his employment, would not be saying words and doing acts calculated to interfere with his means of living? He wanted to know whether, under this Bill, it would not be possible, all through society, for any one class to persecute any other class? The sufferers would be the poor people against whom the Act would be worked. A clear definition had been asked for, to render abuse impossible; and, although some assurance had been given by hon. Gentlemen opposite, they had invariably declined to give guarantees in the Act itself that such abuses should not arise. He saw in this Bill the elements of strife and confusion, the suppression of legal and Constitutional action in Ireland, the encouragement of conspiracy, and the development of crime. Irish Members had told the Government before that similar results would follow their legislation of a like kind; and they told the Government the same thing now. Every expression of opinion on the platform and in the Press was about to be suppressed; and if there were in Ireland to-day any small knots of conspirators, in nooks and corners planning conspiracy, they had reason to pass a vote of thanks to the Government for suppressing their rivals in the field of public action, and leaving the field clear for themselves.

DR. COMMINS said, that, while he entirely went with the right hon. and hon. Gentlemen opposite in the desire to see crime suppressed, he felt this Act would not effect that object, and that this particular provision was more likely to lay the foundations of crime than to stop crime; and he could not avoid recording one final protest against this clause as amended. It might be properly described as a section to give the stipendiary magistrates in Ireland power to imprison any person for anything they thought fit, or anything else, at the direction of the Castle authorities. The first requisite in Criminal Law was that it should be known to the people. Did anybody know what was enacted in this section? He and his hon. Friends had attempted to put in the section itself some guide which would tell those who had to suffer the penalties what the law was, and what they must avoid, and would tell those who had to administer the section where they were to hold their hands, and where to strike. But they had utterly failed to get any clear or distinct definition of what this clause proposed to prevent; and, not only that, but they had heard from the promoters three or four different interpretations of what it meant and what it was intended to do. That given by the Prime Minister differed *toto cœlo* from the interpretation of the Attorney General, and the Attorney General's interpretation differed entirely from that of the Home Secretary. How was anybody to find out what the law was, when the very authors of that law could not tell what it was? At one time they said its object was not to create a new offence, but to give additional powers for punishing all offences. And in the next breath they said it would create a new offence, and make that illegal to-day which was not illegal yesterday. Which way was it? They did not know, and the promoters of the Act did not know. How could the people or the magistrates in Ireland know? The only conclusion to be come to was either that the Ministry themselves did not know their own mind, and did not know what it was they would proscribe, or they did not wish other people to know. The Irish Members had tried to point out the defects in that respect, and there was one other slight defect still to be remedied. The section made intent an element of offence; but the Prime Minister said that unless the only intent with which the act was done was an intention to intimidate, that intent would not come under the Bill. Then the Home Secretary said that was not so; that they did not wish to restrict the act to cases where the intent was a sole intent to commit an offence. Which was it? Nobody knew. The attention of the Committee had been called to the state of things which existed when the Conspiracy Act of 1875 was passed; to the murders and rattening in Sheffield; to the trades unions' outrages in Yorkshire, and Lancashire, and Derbyshire. Some of those atrocities were quite as bad as anything that had occurred during the agrarian war in Ireland; indeed, some of them were more atrocious, for he doubted whether there had been anything in the course of this lamentable state of affairs in Ireland so bad as the outrages of brickmakers in Manchester. Yet, when those outrages had to be put down, and when an Intimidation Clause was passed in that Act, what was there different from the Act now being passed? In the Conspiracy Act 50 words were found sufficient to describe and define intimidation, and there was nothing doubtful or ambiguous about it. The clause in that Act read—

> "Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority uses violence to or intimidates such other person, or his wife or children, or injures his property."

There, in 50 words, was a clear, unmistakable provision against intimidation, and one that comprehended and would apply to any act of intimidation, looking at it as a moral offence. It was intended to meet evils as bad as those in Ireland, and 50 words were sufficient. Rattening, explosion of air-guns, murders of watchmen in brickfields, and other offences had disappeared, and these 50 words had been found sufficient to meet the English case. How many words had been thought necessary to meet the Irish case? 250, as ill-constructed in point of grammar, as loose and disjointed in point of composition, and, he should say, as unscientific from a legal point of view as any that ever defaced an Act of Parliament. That was the way the Government provided for the prevention of intimidation in Ireland—by an Act which was capable of extension or expansion according to the will of the magistrate. Under the Conspiracy Act for England, if a man was on the Bench of magistrates who had a trade interest he was obliged to withdraw, and if the accused person was afraid of the partiality of the Bench he could claim the protection of trial by jury, and the limit of punishment was three months. In all these respects that Act differed from the Bill proposed for Ireland; in the latter the punishment was greater, and the Bench would be selected from material which, to say the least, could hardly be expected to be such as the accused person had confidence in. There was no protection against the abuse or straining of the law, and the law made was of such a kind as admitted of its being strained to the utmost degree, according to the will, or ignorance, or incapacity, not to say prejudice or party feeling, of the magistrate. This section, with no definite plan or object in it that could be seen, and capable of so much abuse, was one against which Irish Members must protest; and he hoped something would be done towards remedying these defects, and that the discussion which had taken place upon almost every word of the clause had not been without effect. He would call the attention of the Government to the necessity of making some provision against what was apprehended from the section, and of making it effective for its ostensible purpose, the prevention of intimidation. Until that was done, he augured nothing but the worst consequences, and an aggravation of the already strained relations between the two classes in Ireland. It was likely to increase the hostility between the landlords and tenants, and to drive the tenant class or their sympathizers into courses against which Irish Members were anxious to protect them. He hoped some change would be made to prevent these results; and that when another Coercion Act had to be passed—next year or the year after—the Irish Members might not have to come forward, as they did now, and say they had warned the Government of what would take place, and the Government had taken no heed. Under these circumstances, he must make a final protest.

Mr. BYRNE said, he thought the arguments of the Irish Members could not be borne in mind too fully. The 1st clause of this Bill was so extraordinary that he could see no reason for introducing it—that was to say, no one was to prevent any person doing that which, under Statute Law, he had a right to do; and it seemed to him a waste of time to say that a man should have the privilege of doing what the law already allowed him to do. With regard to intimidation, the arguments in support of the clause were the most extraordinary and the most illogical he had ever heard, and such as he certainly did not expect to hear from old Legislators. The argument had been heard, over and over again, that "intimidation" ought to be left as it was, and not defined in any way. That was what was said when an attempt was made to define, or draw, or fix some sort of limit to that word—that its simplicity was so much better, and that explanation would spoil it. "Intimidation," according to this clause, was not only inducing people to do what was illegal or wrong, but it was to do anything which put a person in fear of injury, and that was an extension of "intimidation." Anybody might say he was afraid of something said or done; and it appeared to him that any words, or actions, or looks could be brought under the Act. "Intimidation" not only meant intimidation, but something very much more. If the Committee withdrew the other expressions and left "intimidation" pure and simple, then it might be interpreted by the good feeling of those who had to administer it. It would not be so important a matter but for the fact that the tribunals which would administer the Act differed very much in different counties. In Dublin, for instance, for a particular offence a fine of 2*s.* 6*d.* and costs might be imposed; but in the very next county, for the same offence, the penalty was 20*s.* or 40*s.*, or a month's imprisonment. In England the magistrates who administered the law not only administered it pure and simple as law, but went out of the way to administer it fairly; and, although the verdict might go against them, the people felt they had had justice and were satisfied. But, in this matter, it appeared to him that the Government not only wanted to put down "Boycotting," but to stop any movement of any description, and any meeting, for any purpose however lawful, which the tenants or other people might think proper to hold. The Irish people were like other people; and if they saw that, in England, the people had liberty and every facility for expressing their opinions by meetings and by newspapers, they would think they were entitled to the same amount of fair play. Therefore, if liberty of meeting to ventilate grievances was not extended to the people of Ireland, an injustice would be done. It seemed to him that the Government were wrong in principle in attempting to suppress legitimate legislation. The man who went on a public platform for any public purpose was not the man to go behind hedges and shoot people. He had no sympathy with people who committed crime, but he had sympathy with a man who stood up in public or in private to defend what he believed to be his rights. If the Government would re-consider this matter, they would be able to meet Irish Members upon it, instead of putting them off with vague and indefinite promises which they knew from past experience would not be carried out. Promises were, perhaps, given in good faith; but then Gentlemen in other sections of the House objected to the promises, and in the result they were not fulfilled. If the promise of the Government was put in black and white, there would be an opportunity of considering and digesting its meaning. In another respect, he thought, the Government ought fairly to consider what they were doing. For some time legislation had been going on; but there was a disposition not to legislate for Ireland any further. But how far had legislation yet settled the condition of Ireland? It appeared to him that the more Parliament tried to settle the Irish Question, the further they got from that result. Instead of giving what Irish Members demanded in January or February, the Government locked up their best men; and in July or August the people of Ireland, having ascertained that they had been badly treated, would demand more than they had previously asked for. This was illustrated by the Bill which was passed in this House, and thrown out in "another place."

THE CHAIRMAN: The hon. Member is speaking on the general policy, which is not the question before the Committee.

MR. BYRNE said, the portion of the Bill to which he most objected was the clause which enlarged "intimidation," and he could not refrain from censuring the Government for adding those words to "intimidation," if their object was to put down crime. Instead of putting down crime, he was afraid this section would, in many cases, punish the innocent; and he hoped the Government would see their way to withdraw this section, or to provide in some other clause what would meet the requirements of the Irish Members.

MR. REDMOND said, this clause was, perhaps, the most important clause in the Bill, and that, holding the opinions he did as to that clause, he should not be fulfilling his duty if he did not enter a protest against its forming any part of the Bill. The main object of this clause was to bolster up landlordism in Ireland; the object which ran through every word of the clause was to put down combinations by tenants for securing their just rights. None of the Irish Members would protest or work against this clause if they thought it was aimed solely at putting down intimidation; but they opposed it because they believed it would be used, and had been framed to be used, against what they considered legitimate combination by tenants for the achievement of their legitimate rights. A great deal had been heard during these discussions on the subject of "Boycotting." It was no part of his duty to enter into a defence of that practice, although, if he were called upon to give his opinion, he should have no hesitation in saying the circumstances in which Ireland was placed rendered it imperatively the duty of Irish people to make public feeling felt upon individuals who, for selfish ends took occasion to injure the entire community. "Boycotting" in very many cases had resulted in outrage and crime; but he contended that it only resulted in outrage and crime to any considerable extent after the suppression of the Land League. So long as the Land League was in existence, and its local branches were permitted to carry on their work, "Boycotting" did not result in any grave injustice or hardship to individuals. It was simply the expression of the public opinion of the whole community against individuals who were acting in a way to injure the community; and so strong was opinion before the suppression of the Land League in that direction that it was able to carry on its decrees without resorting to crime or to violence. After the suppression of the Land League, and after the ladies of the Land League were imprisoned, and their organization broken up, then, as a natural consequence, the people, left to their own devices, and without the guidance of their Leaders, did in many cases commit outrage and violence in carrying out their ideas. This clause was nominally directed against "Boycotting;" and if Irish Members thought that was the case, although they believed "Boycotting" had been justified in the past, they would not now oppose this clause. But it was because they believed this clause was so wide that it would inevitably strike, not only at "Boycotting," but at combination of all kinds, that they protested against it. He did not believe the clause would be efficacious against every form of "Boycotting," or that by any Act of Parliament it would be possible to put down that form of "Boycotting" which existed in a lesser degree as surely in English society and England generally as in Ireland. If the powers of this Bill were ever brought into play in Ireland to protect an individual from "Boycotting," it would inevitably bring about the ruin of that man. The shortest way to bring about complete "Boycotting," in the worst sense of the word in regard to any man in Ireland, would be by bringing the Act into operation for his protection. He thought the Irish Members had the greatest reason to complain of the attitude which the Government had taken up. On a recent occasion the Attorney General, in dealing with one section of this Bill, had attempted to define "intimidation," and said, in effect, that if that definition was objected to, and Irish Members preferred no definition, the Government would be willing to omit the definition. He did not know how it came about, but the Attorney General afterwards changed his opinion, and the Government changed their mind. That offer, made by a responsible Member of the Government, and accepted by the Leader of the Irish Party, was suddenly withdrawn, and every effort on the part of the Irish Members to amend the Bill in the direction of definition became impossible. The mantle of the right hon. Gentleman for Bradford (Mr. W. E. Forster) seemed to have fallen on the shoulders of the Home Secretary in this discussion. The right hon. Member for Bradford was, during his connection with the Government, its evil genius; and it seemed to him the Home Secretary was to-day the evil genius of the Government, and he believed the Home Secretary was thwarting the good intentions of the Prime Minister. He was inclined to believe that the Prime Minister did not intend to strike at open and legal combination; but he seemed to be thwarted in his desire by the attitude which the Home Secretary had adopted.

He was not at all surprised by rumours which he had recently heard as to the attitude the Home Secretary had taken up towards the rest of his Colleagues upon this Bill. It had been said that the Government, represented by the Prime Minister and other Gentlemen in the Cabinet, were willing to make concessions to Irish feeling and to English feeling; but the Home Secretary was the man who objected in every case to concessions, and he said if he was to remain a Member of the Cabinet such concessions must not be made. He should very much like to see things turn out in such a way that the Home Secretary might be able to take his place alongside the right hon. Member for Bradford (Mr. W. E. Forster); and then the right hon. and learned Gentleman, and the right hon. Member for Bradford, and the right hon. Member for Ripon (Mr. Goschen) might form the "Three Graces" of the Liberal Party. Nothing had struck him more forcibly with reference to this clause than the manner in which the Radical Members had been treated by the Government. Some of the most important Amendments to this clause came from Radical Members; but they were received with as little consideration by the Government and the Committee as the proposals made by the Irish Members. There was a useful lesson to be drawn from that fact. The Radical Members had adopted an attitude on the second reading of this Bill which was very disheartening to any man who desired to see something like conciliation towards Ireland, and to anyone who desired to convince the Irish people that there was a possibility of obtaining justice from the House of Commons. Men of eminence and respectability in this House made speeches on the second reading of the Bill, and with regard to this very point of intimidation expressed their utter abhorrence of the principle, and denounced the Bill root and branch, and in almost every instance they wound up by saying they would vote for the second reading. What had been the result? The result was that in a division only some dozen English Members supported the Irish protest against the Bill, and the Government, strengthened by that division, had since been able to take up an attitude of firmness, or rather of obstinacy, which they still maintained. If the Radical Members had had the courage of their opinions, and voted against the second reading, this would not have happened.

THE CHAIRMAN: The hon. Member is going into very general remarks. The Question before the Committee is very simple; it is, "That this Clause stand part of the Bill."

MR. REDMOND said, he was endeavouring to explain how it had happened that the Government were firm in refusing Amendments to this clause, and he was alluding to Amendments proposed by Radical Members, and he was trying to explain the reasons for the efforts of Radical Members to amend the Bill having proved as useless as those of the Irish Members. He regretted that the Government had not made any concession to Irish feeling in this matter, and that they had thrown away, as he believed they had, a great opportunity of conciliating the Irish people. When the Government came into Office they had a great opportunity of conciliating the Irish people. They came into Office to a great extent on the support they received from the Irish electors; and they were now neglecting one more opportunity of conciliating the Irish people by refusing the demands for concessions. And he regretted that on every occasion throughout the history of Ireland, when the people were willing to be conciliated, the Government abandoned all desire or efforts to conciliate the people; and now, again, the Government had resorted to the rusty, and stupid, and inefficient weapon of coercion. This clause would have but one effect; it would have the effect of making men who desired to carry on agitation within legal limits despair of the possibility of doing so. That would throw the whole power in Ireland into the hands of men who advocated more desperate courses. It would take away from Irish Members the power to lead the Irish people along the road of Constitutional agitation, and make assassination one of the institutions of the land.

Question put.

The Committee *divided*:—Ayes 258; Noes 33: Majority 225.—(Div. List, No. 129.)

Clause 5 (Riots and other offences).

MR. LABOUCHERE said, he hoped the discussion on this clause would not be quite so long as on the last clause, and with that view he moved an Amendment which he hoped would be accepted. His Amendment was to this effect—Sub-section (*a.*) provided that any person who took part in any riot or unlawful assembly would be guilty of an offence under the Act. There was no definition of "unlawful assembly" in the Bill, and he was in despair as to what would be an "unlawful assembly," unless it would be what was declared unlawful by a Resident Magistrate. Clause 7 provided—

> "(1.) The Lord Lieutenant may from time to time, by order in writing to be published in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or to public safety.
>
> "(2.) Any person who is present at a meeting prohibited in pursuance of this Act shall be guilty of an offence against this Act."

Surely the illegal meetings in Clause 7 were not the unlawful assemblies dealt with by Clause 5. Otherwise, both clauses would not be necessary. His proposition was to make the clause read—"takes part in any riot" at "an" unlawful assembly, instead of riot "or" unlawful assembly. It was quite possible a person might see an assembly and join in it, and to some extent take part in it, without any evil intention; but such a person would be guilty of an offence under this clause. But if his Amendment was adopted, some sort of overt act would be required to bring that person under the provisions of the Act. If his Amendment was not sufficient, he should be quite ready to add words making it an offence under the Act for any person taking part in an unlawful assembly to refuse to withdraw from that assembly when called upon to do so by a Resident Magistrate, or a Justice of the Peace, or any other person in authority, not a sub-inspector or a policeman. He thought this was a fair and reasonable proposition, and that the clause, as it stood, went a great deal too far, and would tend to bring innocent persons within the penalties of the Act.

Amendment proposed, in page 3, line 31, leave out the first "or," and insert "at an."—(*Mr. Labouchere.*)

Question proposed, "That the word "or" stand part of the Clause."

Sir WILLIAM HARCOURT said, it was of no use to leave the matter of unlawful assemblies to juries, because, as was so well known, the juries would not agree. But when they came to the Summary Jurisdiction Clause the hon. Member would have an opportunity of again referring to this subject. Now, a riot and an illegal assembly were both offences known to the law under the Riot Act; but then, if they were to be left to be dealt with under the Common Law, they would have to be sent for trial to a jury, and everyone knew that punishment in that case would not be inflicted, inasmuch as the jury would not convict; and, therefore, the object of the clause was simply to make them offences under the Act, in order that they might be dealt with by summary jurisdiction. They were not creating new offences; they were making offences now punishable by the law amenable to summary jurisdiction. His hon. Friend the Member for Northampton (Mr. Labouchere) was mistaken in supposing that the unlawful assembly dealt with in this clause was the same as that illegal assembly which, by Clause 7, the Lord Lieutenant might, from time to time, by order in writing, to be put in a prescribed manner, prohibit, when he had reason to believe it would be dangerous to the public peace or the public safety. The two things were totally distinct; and he repeated that all the clause did was to say that offences now well known to the Common Law, and otherwise tried by jury, would be tried as summary offences under this Act.

Mr. T. P. O'CONNOR: What is an unlawful assembly under the Common Law?

Sir WILLIAM HARCOURT said, it was where several persons assembled together to do an unlawful act, such as pulling down fences. According to *Blackstone*, it was also a disturbance of the peace by persons assembled together with the purpose of doing a thing which, if executed, would create a riot. These offences Her Majesty's Government, by the present clause, were bringing within the scope of summary jurisdiction.

Mr. HEALY asked if the right hon. and learned Gentleman the Secretary of State for the Home Department would have any objection to import *Blackstone's* definition into the clause? He had himself no objection to an unlawful assembly being prohibited; but it was very desirable that they should know what an unlawful assembly was. For his own part, he did not know what an unlawful assembly meant. He was, however, acquainted with things which might have come under this definition in England, such as the acts of Mr. J. De Morgan at Plumstead; disturbances in Epping Forest; the pulling down of Hyde Park railings, and the like. These matters were quite intelligible so far as England was concerned; but he pointed out that "unlawful assembly" in Ireland was up to the present time undefined. He thought the Government had been somewhat indistinct in their utterances on this point. In this clause they legislated against unlawful assemblies; and, having done so, they next, in Clause 7, took powers to prevent illegal meetings. As far as he could see, it was difficult to understand the reason why these double powers were asked for. Now, he did not want these two things mixed up together. Since last October, he reminded the Committee, there had not been a single meeting allowed in Ireland, because anyone who attended them would have been shot down or bayonetted. If any Gentleman doubted that statement, he would advise him to go to a meeting which the Lord Lieutenant prohibited. As he understood the matter, "unlawful meeting" and "illegal meeting" were convertible terms. In Clause 7, the Government took these powers—

> "That the Lord Lieutenant may from time to time, by order in writing, to be published in a prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety."

And now, in addition to that, they asked that every person who took part in any riot or unlawful assembly should be guilty of an offence against this Act. He wished to know if "illegal meeting" was the same as "unlawful assembly;" if not, why was special power taken to prohibit illegal meetings? Why did the Government wish for both powers? Why did they speak with two voices? He thought Irish Members were fairly entitled to some explanation of the difference between these two terms.

The CHAIRMAN said, there were two Amendments to this line. The Amendment of the hon. Member for Northampton (Mr. Labouchere) did not propose to leave out "unlawful assembly;" but the Amendment of the hon. Member for Tipperary (Mr. Dillon), next upon the Paper, did propose to leave out the words "or unlawful assembly." He would point out that they must first proceed to deal with the Amendment of the hon. Member for Northampton.

Mr. HEALY said, the hon. Member for Northampton proposed to leave out the word "or," and to make the clause read thus—"takes part in any riot at an unlawful assembly." Now, that necessarily imported into the discussion the question as to what an unlawful assembly was; and if there was any intention to discuss the matter intelligently, that question could not be excluded now. He had no objection to the Government taking power to put down riots; on the contrary, he thought that they were things which it was most desirable should be put down. But he wished to know why the Government took power to put down these riots apart from the provisions already existing in this Act? That was a plain question; and he submitted that he was entitled to a satisfactory reply.

Mr. TREVELYAN said, when they arrived at the consideration of Clause 7, he should be able to prove to the hon. Member for Wexford (Mr. Healy) that the difference between a meeting proclaimed by the Lord Lieutenant, when this Bill passed into law, and an unlawful assembly was as great a difference as there could possibly be between two different cases. An unlawful assembly was when three or four persons assembled to do an unlawful act, such as the destruction of a warren or the pulling down of buildings. The case he had put before the Committee the other day amounted to this—a number of people having assembled for the purpose of attacking a bailiff; that was a violent gathering for the purpose of riot, and was a kind of unlawful assembly not infrequent in Ireland. The Government desired to reach cases of this kind, and that was the reason why they objected to the Amendment of the hon. Member for Northampton (Mr. Labouchere). The hon. Member for Northampton objected to any riot being made penal unless it took place at an unlawful assembly, and, in so doing, he proposed to cut out the word "or" from the clause. The effect of this would be that no one at an unlawful assembly could be punished unless a riot took place there. Now, the Government wished, if possible, to punish by magisterial power that common form of unlawful assembly which took place in Ireland.

Mr. T. P. O'CONNOR said, he was really astonished at the arguments of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant.. The right hon. Gentleman said "unlawful assembly" was a perfectly well understood law term; and, in the course of his arguments, he went on to say that an unlawful assembly was an assembly of three or more persons to do an unlawful act, such as the pulling down of enclosures, and because an unlawful assembly was understood to be a meeting of three or more persons to pull down railings, that, therefore, it was an unlawful act to take a bailiff from under his bed. The right hon. and learned Gentleman the Secretary of State for the Home Department also gave the Committee a definition as to what constituted an unlawful assembly, and he mentioned two or three things—the assembling of two or three persons together made an unlawful assembly. Then he said that an unlawful assembly, according to *Blackstone*, was a disturbance of the peace by two or more persons assembled together with the intention of doing an act which, if executed, would create a riot. He asked the right hon. and learned Gentleman whether it was the intention of the Government to put that definition of *Blackstone* into the clause? It was clear to his mind that if an unlawful assembly was à meeting of persons to pull down enclosures, it was not so to pull a bailiff out of his bed; but the fact was, the term "unlawful assembly" was intended to mean anything or nothing which the Government might wish to bring within the clause.

Mr. T. D. SULLIVAN said, the Amendment of the hon. Member for Northampton (Mr. Labouchere) would make the passage read thus—"takes part in any riot at an unlawful assembly." Now, the right hon. Gentleman the Chief Secretary to the Lord Lieutenant contended that if those words were adopted, the Committee might as well cut out the words "unlawful assembly." He (Mr. T. D. Sullivan) was quite unable to see that anything of the kind followed upon the acceptance of the Amendment of the hon. Member for Northampton. It appeared to him that the Amendment of the hon. Member distinguished between riots which took place at unlawful assemblies, and riots which took place at assemblies which were not unlawful. It happened in every country that assemblies which were not unlawful, and were not for any unlawful purpose, sometimes ended in riot; and, in such a case as that, he wished to know why an offence of such a venial character should come within the scope of this Bill? Now, the real purpose of the Amendment before the Committee was to make this point clear. He would suppose the case of a temperance meeting, a lecture, or a debating society, or a hundred other peaceful, legal, and Constitutional assemblies. It was quite within the range of possibility that some disturbance should arise at one of those meetings, however peaceful and harmless the intention of the assembly might have been. Now, if a riot arose, under such circumstances as these, it would immediately come within the scope of the Bill, and the participators in that riot would be liable to six months' imprisonment under the Act. He said this was monstrous. But there was a difference between a riot such as he had described, and a riot which took place at an unlawful assembly. In the latter case, the assembly, to begin with, was unlawful, and, that being so, it was not unlikely to give rise to riot; and this supplied a reason why the rioters should be made amenable to the law. But why should persons who might be mixed up in riots arising out of peaceful and harmless meetings be subjected to this severe and extreme penalty of six months' imprisonment with hard labour? He considered the Amendment to be a fair and reasonable one, and he hoped the Committee would see their way to accept it.

Dr. COMMINS said, they had here another attempt on the part of the Government to revive a very old law. He did not believe there had been a case for centuries of a person being prosecuted on account of an unlawful assembly. *Blackstone*, referring to unlawful assemblies, said that the earliest definition was to be found in an Act passed in the 21st year of King Henry VII; and he added—

"That the law was enacted at the time when it was the practice of gentry who were at variance with each other to go to market at the head of a band of armed retainers."

That law was, no doubt, a good one when considered with reference to the circumstances of the time. But still he should be very much obliged to any hon. and learned Member, acquainted with the Criminal Law, who would tell him when there was an indictment on account of an unlawful assembly? When it was found necessary to interfere with such assemblies as were thought likely to cause terror, they were suppressed by the reading of the Riot Act, and dispersed under that Act; but the prosecution of an unlawful assembly, pure and simple, was a curiosity in the law, and he would be glad to be referred to a case of the kind. Under this Bill, whenever three or four persons assembled, magistrates of a not very brave disposition would conclude that it met under circumstances which might cause terror; but it was well known that a thing which would inspire terror in the mind of one man would not do so in the mind of another. He admitted that a man might be terrified if a very small meeting were held in his neighbourhood; but surely it was not necessary to resort to a Statute of Henry VII. for the purpose of bringing assemblies of this kind, not before juries, but within the summary jurisdiction of magistrates. Now, he thought the Amendment before the Committee, to a large extent, took away that objection. If the assembly was an unlawful one, and, instead of falling back on the Riot Act, persons taking part in the riot were proceeded against before the magistrate, he should have no objection to urge against that course; but he objected to the revival of this old and forgotten law, unsupported by a single indictment, for the purpose of meeting a case which could be otherwise dealt with, and which was most likely to be abused. He objected to cases of this kind being left to the decision of a frightened magistrate, who might have some reasons for considering unlawful a meeting which another person would not consider to be unlawful at all. Therefore, unless the clause was intended to be applied to the purpose of oppression without any protection for persons brought under the cognizance of the Act who had committed no offence whatever, he thought the Amendment of the hon. Member for Northampton should be adopted.

MR. HEALY said, he wished to know whether the word "riot" meant the assembling together of more than four persons?

MR. ARTHUR O'CONNOR said, it was clear that if the magistrates in Ireland were to be left to interpret this Act, they would be very apt to regard as unlawful every assembly that met for the purpose of advocating or securing any object which was distasteful to themselves. The Act provided that the Lord Lieutenant might, from time to time, by order in writing, to be published in a prescribed manner, prohibit any meeting which he had any reason to believe to be dangerous to the public peace or public safety, and the magistrates would very likely decide that those objects were unlawful which had a direct tendency to affect their interests in land or other property. With regard to the ruling of the Chairman, which had just been given, to the effect that hon. Members were not in Order in discussing the meaning of the words "unlawful assembly," he would ask whether it was possible to discuss the Amendment before the Committee without having any clear idea of the meaning of the word "riot" and the words "unlawful assembly?" But the Amendment of the hon. Member for Northampton required that the riot should take place at an assembly which was unlawful, and he pointed out that this Amendment, so far from distinguishing, only confused the terms. It was necessary, before the Committee could appreciate properly the Amendment of the hon. Member for Northampton, that they should understand what was the meaning of both these terms; and he, therefore, submitted they were in Order in discussing what was meant by the words "unlawful assembly."

THE CHAIRMAN said, his object, when the hon. Member for Wexford was speaking against the words "unlawful assembly," and contending that they should be left out of the Bill, was merely to point out that the next Amendment proposed to set aside those words, and that the present Amendment did not.

MR. ARTHUR O'CONNOR said, he understood, from the remarks of the Chairman, that it was in Order to discuss the meaning of the words "unlawful assembly;" and, therefore, he proposed to ask the Government what meaning they attached to them, and what was the definition of them beyond which the magistrates were not to go? For his own part, he should be perfectly satisfied with the clause as it stood at present, if it were exactly stated what it was the magistrates would be bound to consider an unlawful assembly in arriving at their decision. He thought that the Amendment of the hon. Member for Northampton should be supported, because without it the people of Ireland would be practically at the mercy of magistrates, partizans as they knew them to be, who would, no doubt, arrogate to themselves, under this clause, the same powers which were vested by Clause 7 in the Lord Lieutenant.

Mr. HEALY said, he could find no definition of the word "riot" in the Definition Clause of the Bill, and, consequently, the word, as it stood unexplained, might mean anything or nothing at all. It was very easy for the Government to put down the word "riot" in the clause without saying what was meant by it; but he contended that the Irish Law Officers of the Crown, who were well acquainted with the meaning of the term, should prepare a definition for insertion in the Definition Clause. He said that the Government should define this offence in the way they had defined other things in the Definition Clause.

The ATTORNEY GENERAL (Sir Henry James) said, if hon. Members refered to the Law Text Books they would find all the definitions they wished. In this Bill it was not intended to give a new definition of a crime well known at Common Law. If they used the word libel in the Bill, it would surely not be considered necessary to define what libel was. If they were introducing a new offence, they might justly be required to give a definition; but, as a matter of fact, they were dealing with a well-known offence. As the Home Secretary had explained, it was simply a question of transferring the jurisdiction in such cases to the tribunal who were to try them. The matter was in the hands of the Committee, and he did not think he ought to be required to repeat what had already been said.

Mr. METGE said, the arguments of the hon. and learned Gentleman did not seem to coincide with the arguments the Home Secretary used in refusing to give a definition of the word "intimidation." If it was impossible for the Government to define the words "riot" or "unlawful assembly," it seemed justifiable in the Irish Members to press the Government to give the people of Ireland some instruction in the matter, because they must know that this Act was not to be administered by men trained in the law. For the most part, the exercise of the powers conferred by the Act would be in the hands of the Resident Magistrates, whose law came with their practice. These men obtained their knowledge of the law by the cases which were brought before them, and those cases were mostly those in which their own prejudices were aroused. For these reasons, he considered the people should be distinctly instructed as to what their liability would be under the words of this clause.

Mr. LEAMY said, he hoped the Government would furnish a fuller definition of "intimidation," and also of "unlawful assembly." The hon. and learned Gentleman the Attorney General said it was not necessary to give a definition of "riot," because it was an offence well known at Common Law. It would be quite another thing, continued the Attorney General, if a new offence was being created. It must be remembered that, under the head of "riot," men found trespassing in pursuit of game could be brought before the magistrates and sent to gaol for six months with hard labour. Many of the fox-hunting Resident Magistrates would be glad of the power this Bill would confer upon them; but he feared they would make a mistake if they sought to put down poachers by means of this Bill.

Question put, and *agreed to.*

Mr. DILLON moved, in page 3, line 31, to leave out "or unlawful assembly." He had several strong reasons for proposing that "unlawful assembly" should be omitted from the clause. His first reason was that a large number of people would be convicted who had no intention to commit any offence against the law under the words "unlawful assembly." Whatever the Home Secretary might say to the contrary, he (Mr. Dillon) could positively assert that nine out of every ten people in Ireland had not the least idea what an unlawful assembly was. He himself did not know what it meant, although the Home Secretary and the Attorney General said it was a well-known offence tried at Common Law. When cases of unlawfully assembling were tried, it must be recollected that there was always the safeguard of the verdict of a common-sense jury. A jury in convicting or acquitting a person charged with unlawful assembly, would take into consideration all the circumstances of the case, and they would most certainly take into consideration whether the person charged had attended the assembly with an illegal intent. It was now proposed to place this very elastic expression—and it seemed to him that nearly everything in the Common Law was elastic—at the disposal of the magistrates, who would not give the prisoner the benefit of that common sense which a jury would bring to bear on a case; it would be at the sole discretion of the magistrates to decide what was an unlawful assembly. A very remarkable case had just come under his notice, and he would describe it to the Committee in order to show how this clause might work in Ireland. He had received a letter from a constituent of his in Roscrea, in which letter the writer complained that he and two or three friends were standing smoking outside his door when the police charged up the street and dispersed them. The gentlemen followed the police to the barrack with the intention of charging the police; but the police charged them with riot and with pursuing them down the street. The gentlemen summoned the police for assault, and the police summoned them for riot. When the case came before the magistrates the summonses of his constituents were dismissed, and the summonses of the police were sustained and the defendants sent for trial. Judge Barry, at the last Winter Assizes in the city of Kilkenny, refused to allow the case to go to the jury. These men had been committed by a bench of Irish magistrates for riot and unlawful assembly. The case was dismissed by Judge Barry, because it was brought upon the uncorroborated evidence of the police, his Lordship remarking that in this instance the police were the aggressors. Under this Act these men would have been required to serve out the term of six months' imprisonment, because they would have had no right of appeal over the heads of the magistrates. Under this Act the police would be able to say that any assembly of men was unlawful, and the word of the police would be taken by the magistrates, and that of the accused would be disregarded altogether. He might be wrong, but he understood the definition of an unlawful assembly to be an assembly of people for unlawful purposes. The police might arrest people who were collected together, and swear they were assembled for an unlawful purpose. What evidence could those charged with the offence bring to rebut the accusation but their own word? It was a notorious fact that magistrates always believed the testimony of the police against that of the people, and he held that the expression "unlawful assembly" would put it in the power of the police to arrest anybody at all who was talking to anybody else in a proscribed district, and swear they were assembled for an unlawful purpose. He did not know whether the police might not go so far as a friend told him they once went. They arrested certain individuals, and the charge against them was that they were found congregating about the street corners in a suspicious way. At all events, there was a very strong reason for the omission of this expression. It was no justification for the retention of the words to say that the offence was well known under the Common Law, because it was requisite in the case of offences which were to be tried by magistrates, and without the protection of a jury, that the definition should be more strict and not so elastic as the one contained in the Common Law.

Amendment proposed, in page 3, line 31, to leave out the words "or unlawful assembly."—(*Mr. Dillon.*)

Question proposed, "That the words 'unlawful assembly' stand part of the Clause."

DR. COMMINS said, that the term "unlawful assembly" was very antiquated. The Solicitor General for Ireland (Mr. Porter) had said it was a very common thing for a charge of "riot and unlawful assembly" to be preferred. Undoubtedly, an indictment for "riot" always contained a count for "unlawful assembly;" but he challenged his hon. and learned Friend to produce a single case of "unlawful assembly" pure and simple.

Mr. MARUM said, that in 1848 Judge Patteson said—

> "Whether a particular meeting be lawful or unlawful must depend upon the circumstances under which it is held and the manner in which it is brought together. These being questions of fact must be submitted in all cases to the judgment and determination of a jury, first a grand jury and then a petty jury if the bill of indictment be found true."

These being the opinions of a learned Judge as to what was necessary in 1848, it certainly was very requisite that now there should be a full definition of unlawful assembly for the instruction of the magistrates who would preside at the Summary Jurisdiction Courts. An ample definition might not be necessary when a jury was empannelled to investigate a case of "riot and unlawful assembly;" but it certainly was absolutely necessary now, because no Judge could lay down the boundaries between a lawful and unlawful assembly.

Sir WILLIAM HARCOURT said, the hon. and learned Member (Mr. Marum) made an unreasonable demand on the Committee, for he had said that no Judge could possibly define what was an unlawful assembly, and therefore the Committee should define it. Whether an assembly was lawful or unlawful was a mixed question of law and fact. The Government proposed to leave to the Court of Summary Jurisdiction the decision of this mixed question of law and fact, for the same reason that they had left the decision of questions of fact to the higher tribunal provided by the Bill. An unlawful assembly was a meeting of large numbers of people under circumstances calculated to raise fear amongst Her Majesty's subjects; and no man could decide whether a meeting was unlawful or not unless he was aware of all the circumstances. An unlawful assembly, in point of fact, was an inchoate riot—a meeting which was likely to eventuate in riot—a meeting called together with the intention and object of using force. That was a very simple question, which a magistrate was perfectly competent to decide.

Mr. PARNELL said, he hoped the Government would now (12.45) agree to report Progress. The question under consideration was very important; and as the House had to meet again at 2 o'clock he supposed there would be no objection to reporting Progress.

Mr. DILLON said, he had understood the Prime Minister to say, a few days ago, that he would not take any Morning Sitting on account of the hard work devolving on Irish Members. He was, therefore, surprised when he was told that the right hon. Gentleman had intimated his intention of taking a Morning Sitting to-day. He would move that Progress be reported; because, if they did not report Progress now, he did not know how they could possibly be down at the House again at 2 o'clock.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Dillon.*)

Sir WILLIAM HARCOURT said, it was quite true that, at the request of the hon. Gentlemen below the Gangway opposite, a Morning Sitting was not taken last Tuesday, but the result was not very encouraging; the Committee made no progress at all. The hon. Member for Tipperary (Mr. Dillon) had said the altered arrangement was made last Tuesday to suit the convenience of Irish Members. There were other persons to be considered—those who had to conduct the Business of the House. Really, the time had come when they must make progress. The hon. Member for Wexford (Mr. Healy) said on Friday night that they had passed the 4th clause. It was now 1 o'clock on Tuesday morning, and they had not yet passed the first words of the 5th clause. It must be obvious to everyone that the Committee must endeavour to get on with more haste; therefore, he hoped the Committee would not agree to report Progress at this comparatively early hour.

Mr. BULWER said, he sincerely hoped the Government would stand firm. The hon. Member for Tipperary had made an appeal to the Committee on the ground that all the labour was thrown on the Irish Members. Why, to the Irish Members this was a labour of love; and it was they who made the labour. He had been in the House all night, and he had heard little but rubbish spoken; and he would give the Committee an instance. One hon. Member (Dr. Commins) just now, after talking a good quarter of an hour about unlawful assemblies, finished up by challenging the Law Officers of the Crown to give him an instance in which an indictment had ever been preferred for an unlawful assembly. The hon. and learned Gentleman (Mr. Marum), arguing on the same side, instantly produced a case tried by Judge Patteson—[Mr. MARUM: That was a case of riot.] It was an indictment for an unlawful assembly also—and that was the way the time of the Committee was taken up. Hon. Members from Ireland wanted a definition of crimes, in the hope that the definition might fail on some point or other; that a criminal might have the opportunity, as one hon. and learned Gentleman had pointed out, of relying on the argument, *expressio unius exclusio alterius.* He would remind hon. Gentlemen below the Gangway that there was no universally-accepted definition even of the crime of larceny. He trusted the Government would not give way to hon. Gentlemen who, night after night, were wasting the time of Parliament.

MR. H. SAMUELSON said, he hoped the Government would either let the Committee report Progress or they would not. He had sat through many of these debates, and he had noticed, on an infinite number of occasions, the waste of hours at a time, owing to the Government strenuously resisting, for a long time, Motions to report Progress, and then, after all, giving way. He trusted the Government would consent to report Progress at once, or really insist effectually upon going on with the Bill.

SIR GEORGE CAMPBELL wished the Government would tell the Committee how far they were to go.

MR. DILLON said, the Prime Minister told them, at the commencement of the present Sitting, that he had no complaint to make of any unreasonable opposition to the Bill. The right hon. Gentleman admitted that the opposition was prolonged further than he liked; but he could not say that it was unreasonable. He (Mr. Dillon) did not think any unreasonable opposition had occurred that night. They had now arrived at an exceedingly important point, and it was not possible to carry on the discussion of the measure in a proper manner if they were only to get five hours' sleep out of 24. If the Home Secretary would consent to do what the Prime Minister consented to do last week—that was, not to take a Morning Sitting—the Irish Members would be reasonable, and meet him half way, by continuing the consideration of the Bill until a later hour.

MR. TREVELYAN said, if hon. Members opposite would allow the Committee to take this sub-section, the Government would be willing to report Progress. The question had been thoroughly discussed, and the definition of "unlawful assembly" had been given by every legal Member on the Treasury Bench; and the point was a very narrow one. When they considered the state in which Ireland was at the present moment—a state of which the public knew a great deal, but of which the public certainly did not know all—it was a very serious matter indeed that this extremely important Bill, with a matter of eight clauses now coming on, which would form a complete network to thoroughly strangle the murder and outrage which now prevailed in Ireland, should be resisted at the rate of two hours for every line of the Bill. The Government would be perfectly willing to report Progress when this sub-section was passed.

MR. PARNELL said, he wished he could share the right hon. Gentleman's confidence that the remaining eight clauses of the Bill would be effective for their work. He must remind the right hon. Gentleman that the time of the Committee up to this had not been spent over these eight clauses; but it had been spent over clauses which had no reference to the murder and outrage which now prevailed in Ireland. On the contrary, the clauses which the Committee had as yet discussed at any length were clauses for putting down private and public action—action which was legal in England. Even to the proposal to suspend trial by jury he and his hon. Friends offered no lengthened opposition, and by far the most of the debate on that question was carried on by English and not Irish Members. With regard to what the hon. and learned Member for Cambridgeshire (Mr. Bulwer) said about the Irish Members talking rubbish, he (Mr. Parnell) must say that he had not spoken any rubbish, and he had not heard any of his hon. Friends do so. He had, however, heard some very rubbishy expressions from English Members—Members who did not understand the question, and who would not take the trouble to inform themselves upon the points at issue. He would remind the Committee that an overwhelming majority of the Irish Members were opposing the Bill. In all the divisions there had been a majority of five to one of the Irish Members against the Bill; and in no division had the Government had more than 12 Irish Members supporting them. It came to this—that, comparatively speaking, the number of Irish Members opposing the Bill was larger than the number of Members of the House of Commons in support of it.

Motion, by leave, *withdrawn.*

Original Question put.

The Committee *divided:*—Ayes 196; Noes 25: Majority 171.—(Div. List, No. 130.)

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Trevelyan.*)

Mr. HEALY said, that before that Motion was put he wished to make an appeal to the Government not to take a Morning Sitting to-day. Hon. Gentlemen opposite had very little to do in Committee, but the Irish Members had a great deal. They did not finish until a quarter past 1, and they would have to be here at 2. ["Hear, hear!"] It was all very well to cry "Hear, hear;" but they ought to be "There, there." He would ask the Government not to put an undue strain on Members of the House. The two hours' interval between 7 and 9 were of no value to hon. Members—they only idled them away. Last year they were happy to agree to Morning Sittings, because the Prime Minister was conducting his own Bill, and he required the interval between 7 and 9 for repose. But the right hon. Gentleman the Home Secretary was both young and strong, and he (Mr. Healy) did not see why he should require repose any more than anyone else. He would ask the Government not to impose upon Members, who did not get home until 2 or 3 o'clock in the morning, the duty of coming here at 2 in the afternoon.

Sir GEORGE CAMPBELL said, he could not understand why Irish Members could not be satisfied with 12 hours' sleep. For his part, he only required seven hours; and he reminded the House of the saying of George III.—"Six hours for a man, seven for a woman, and eight for a fool."

Mr. TREVELYAN said, that, unfortunately, the arrangement could not be altered. A considerable number of Members had gone away under the impression that the House was to meet at 2 o'clock; and, at the same time, he was bound to say that, if only on the score of variety, it would be more convenient to meet at 2. They were likely to have a hard week.

Mr. CALLAN said, that the real reason why a large section of the House desired to have the interval between 7 and 9 was in order that they might dine out. Hon. Members who came down to the House at 4 o'clock in the afternoon, and remained there until 1 or 2 in the morning, discussing the questions before the Committee, required more time than such Gentlemen as the hon. Member for Kirkcaldy (Sir George Campbell). The hon. Member said he required seven hours' sleep. Probably he did; but it was a well-known fact that six hours were enough for a man, and that seven were what a woman required.

Mr. HEALY said, that he would take a division on the question of a Morning Sitting, with the Speaker in the Chair. In reply to the hon. Member for Kirkcaldy, he would remark that the Irish Members had something else to do besides sleep during the hours they were not in the House. They had to work.

Mr. TREVELYAN said, that a great deal of work had to be done out of the House. For instance, to-day the Law Officers of the Crown and the Home Secretary, and those who were engaged in the conduct of this Bill, had arranged to hold a meeting—which would, undoubtedly, be a meeting of considerable length—to settle the clause or clauses which were to be proposed. If these were not proposed at the Sitting to-day, it would be because the Government were anxious to make the new provisions as perfect as possible.

Mr. GIBSON said, that probably the hon. Member for Wexford (Mr. Healy) would not divide the Committee, when he reminded him of a circumstance which occurred just now. The hon. Member for Tipperary (Mr. Dillon) had said that if there was to be no Morning Sitting he would be willing to go on with the consideration of the Bill—that the question as to whether Progress was to be reported rested on the question as to whether there was to be a Morning Sitting. As there was to be a Morning Sitting, then Progress would be at once reported.

Mr. HEALY said, he would not divide, but would wait until next Thursday, and see what would be done then.

Mr. PARNELL said, it was upon no such question at all as that mentioned by the right hon. and learned Gentleman the Member for Dublin University (Mr. Gibson) that the Irish Members had offered to give up their right of moving to report Progress. There had been an understanding that if a certain Amendment was withdrawn Progress would be reported when the sub-section under discussion was disposed of.

Motion *agreed to.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

PUBLIC SCHOOLS (SCOTLAND) TEACHERS BILL.—[Bill 153.]

(*Mr. Mundella, The Lord Advocate, Mr. Solicitor General for Scotland.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Definition).

Mr. A. GRANT said, he had proposed to leave out, in page 1, line 6, the word "certificated," and insert "principal." The object of the Amendment was to limit the scope of the Bill to cases of principal teachers. As the Bill stood, it would be seen that it applied to all certificated teachers, and would include those who were in the position of assistants in the public schools. As to those teachers, the Bill went beyond that of the hon. Member for Wigtonshire (Sir Herbert Maxwell), and dealt with a class who, as far as he was aware, had not made any demand for a change in the mode in which they were dealt with at present. However, since he gave Notice of his Amendment he had ascertained the views of several of the more influential school boards in Scotland, and found that they expressed themselves as satisfied with the Bill; and, under these circumstances, he did not feel himself called upon to question their judgment in the matter. He had come to the conclusion not to press his Amendment.

The CHAIRMAN: Does the hon. Member move his second Amendment?

Mr. A. GRANT said, he did not intend to move any of his Amendments.

Clause *agreed to,* and *ordered* to stand part of the Bill.

Clause 3 (Three weeks' notice to be given to members of school boards and teachers of motion for dismissal. Adoption of resolution for dismissal).

Mr. BIGGAR said, he wished to move to omit the word "full." The clause required that the resolution of a school board for the dismissal of a certificated teacher should have the assent of a majority of the "full" number of the Members of the Board. Under such a provision it would be necessary that there should be a large attendance upon the board before such a thing as a dismissal could take place. He did not think such a thing was necessary. A dismissal could only take place by formal motion, of which due notice had to be given; and under the clause it might be impossible to get a full number of members present. Suppose it were a rule that no Motion in this House should be valid unless more than half the Members voted, it would be found that very rarely during the Session could a decision be come to. For the reasons he had given he would move his Amendment.

Amendment proposed, in page 2, line 3, leave out the word "full."—(*Mr. Biggar.*)

Question proposed, "That the word 'full' stand part of the Clause."

Mr. MUNDELLA said, he could not accept the Amendment of the hon. Member. Not a single Scotch Member had expressed any wish in this matter, and he had presented Petitions in favour of the Bill as it stood from a number of school boards in Scotland. He was sure the hon. Member would not seek to stand against the unanimous wish of the Scotch Members. That would be quite inconsistent with his attitude in that House.

Mr. BIGGAR said, this was no argument at all—the opinion of Scotch Members. They continually saw Irish questions decided by Scotch and English votes. He supposed that during the past two or three days there had not might be that such a form of procedure might be established by them as to entirely alter the system of judicature in the country. There were two matters which had always been very much under the consideration of the House — one was that the pleadings should be put into such a condition that every person who went to trial might have a clear and intelligible statement of the case which he had to meet, and present a similar statement himself to the other side. One of the matters the Judges had to deal with was this question of pleading. He was not going to discuss it now, for this was not the moment to discuss such a thing; but there was a feeling in the House, and an immense number of people outside the House concurred in it, that any such alteration as that proposed would be damaging to the interests of suitors whose interests should be well considered. But there was another matter of a more serious kind. Up to this, the normal course of proceeding in Courts of Justice had been that issues of fact could be tried by juries, if either of the parties wished to have a jury. There was reason to believe that in the view of the Judges this was not a desirable thing to allow, and that it was proposed that the normal course in future should be the trial of fact by Judges, and not by juries. There were many in the House—certainly, he was one of them—who believed that trial by jury was not only a question of procedure, but of political importance; who thought that trial by jury had the effect of giving to every man some knowledge of the first principles of law—that it made everyone who served on a jury a party to the administration of justice—and who believed that it had had a very great effect in bringing about that profound respect for law which had long existed in this country. He did not wish to detain the Committee, and had only put shortly before them the points which appeared to him to be strongly in favour of the Bill of the hon. Gentleman. He hoped the Committee would give its consent to the principle of the Bill, which, after all, would not be a very great alteration in the existing law. It was an alteration—a somewhat novel practice—which, so far as he was aware, had only been introduced during the last three or four years; and he asked them to pass the clause as it stood, so that the consent of the House would be necessary to Rules of Court framed by the Judges, and that hon. Members might have an opportunity of discussing those Rules.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, the Committee, in dealing with this matter, were unfortunately circumstanced, inasmuch as it had never had laid before it by the hon. and learned Gentleman opposite (Sir Hardinge Giffard) the reason why the reform was required. The hon. and learned Member, on the occasion of the second reading, and on going into Committee, had never said a word.

MR. WARTON: Yes, yes; on the introduction of the Bill.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, that, at any rate, they had taken the second reading *sub silentio.* It was said that if the measure were passed in its present form it would produce very little change—that it would only alter what was done four or five years ago. But it would take away the power of Judges as to procedure, which had existed, not for four or five years, but for centuries. [Sir HARDINGE GIFFARD dissented.] The hon. and learned Member shook his head, but he (the Solicitor General) should be surprised to hear anything said to the contrary. It was now proposed that no such power should exist, and that no rule as to pleadings and practice which was framed by the Judges should come into operation before it had been 40 days before Parliament. [Sir HARDINGE GIFFARD again dissented.] The hon. and learned Gentleman again shook his head; but if he would refer to the Supreme Court of Judicature Acts 1873 and 1875, and read the clause regulating the pleading, practice, and procedure of the Courts of Justice, he might alter his opinion. For many years the Rules, after being framed and put into operation, had had to be laid before Parliament, and Parliament had had an opportunity of remedying them; but if this Bill passed within 40 days of the rising of Parliament the Rules could not come into operation, and there would be no opportunity of remedying them until the following Session. In this way the power that the Judges had always possessed would be taken away. Why was it proposed that it should be taken away? It was not suggested that it had been abused. It was said that, in particular instances, changes might be made which would be objectionable; and what were the points which had been put forward by the hon. and learned Gentleman who had just spoken? He had said that changes might be made in the Rules as to pleading before the House had had an opportunity of discussing them. Was it seriously to be contended that this House ever could, or ever would, discuss such a question as what pleadings ought to be admitted, or what form they should take, or how they should be regulated? It would be idle to pass such a Bill, because such Rules never would be discussed; and the House would never deem itself qualified to consider them. It was said that the Judges might pass Rules to limit the right of trial by jury; and he admitted that if that matter were dealt with by the Bill, and it were limited to that, it would be well worthy of consideration. But that, so far as he could see, was the only matter of importance to which it would be reasonable to apply such a provision as this. The Act, which the Bill would amend, was not an Act passed by the present Government, but by right hon. Gentlemen and hon. Gentlemen sitting opposite. It was they who had made the distinction to which allusion had been made. They had considered that some Orders in Council and Rules of Court should come into operation at once, and that some should not; and the hon. and learned Member (Sir Hardinge Giffard) now came forward and asked for the whole of that to be upset. Great inconvenience would almost inevitably attend the passing of such a Bill as this, as it would prevent the Judges from acting in the future as they had acted in the past, and making Rules, at a moment's notice, to put a stop to an inconvenience or remedy a defect. The Rules might require to be made and put into operation at once, at a time when it would be impossible to bring them before Parliament. In the past, whenever there had existed an inconvenience or a defect to which a remedy could be applied at once, that remedy had been applied; and the system had worked to the satisfaction of both the Bar and the public. It was not reasonable to require that the old power, which had been possessed by the Judges, of regulating pleading, practice, and procedure should be given up; that the Judges should only be able to make rules when Parliament was sitting. He submitted, therefore, that his hon. and learned Friend's Bill was of so wide a scope that it was too much to ask the House to go back from the legislation of 1875 and to adopt it.

SIR HARDINGE GIFFARD said, he was particularly anxious that a misapprehension, which the statement of the Solicitor General had given rise to, should be disputed. This power of making Rules was not exercised by the Judges, but by a Committee of the Judges—a Committee of five. On the publication of the Rules by these five Judges they became law. The Judges would not, by the Bill before the Committee, be deprived of the power to make Rules to meet sudden emergencies; but what was interfered with was the right the Committee of Judges possessed of framing Rules which at once, on publication, had the force of an Act of Parliament, and were as though they had been included in the original Act of Parliament. He had reason to know that, if the Judges were polled, it would be found that the recommendations of the Select Committee were disapproved of by a large number; but whether by a majority or not he was unable to say. It was not correct to say that the present power had been possessed by the Judges for three centuries; but the result of the process, which the hon. and learned Solicitor General defended, was that this House was deprived of its power of superintending the legislation of the country, or whatever was included in the words "pleading, practice, and procedure;" and included, not by the Judges generally, but by the small Committee he had referred to. What they proposed to deal with as a part of practice and procedure the Committee had some means of judging, for they saw that they desired to sacrifice trial by jury, and leave it to the Judges whether or not they would have a jury to assist them. At present, in, for instance, a case of fraud, a man had a right to ask that there should be a jury; but, under new rules, it might be in the discretion of the Judge whether there should be a jury or not. The Select Committee had considered this question, and had made several recommendations; but he would undertake to say that any lawyer in Westminster Hall, when asked in what particular class of cases it was most likely that a jury would go wrong, would say that it was in that class in which the Committee had recommended trial by jury should be absolute. If the operation of the Bill had been limited to such a question as that, no doubt the Solicitor General would have been disposed to listen to it; but this appeared to him (Sir Hardinge Giffard) to be only a specimen of the manner in which the power might be exercised if the House permitted it to be used. All he asked in this Bill was that the Rules should not have the force of an Act of Parliament before the House had had an opportunity of pronouncing an opinion upon them. It was true, as the Solicitor General had said, that there might be some inconvenience, as months might elapse before the sanction of the House could be obtained; but it seemed to him that it was much more inconvenient for Rules to have the force of an Act of Parliament the moment they were published. It had been remarked that this Bill was an intended alteration of an Act of Parliament which was introduced under a former Administration of which he was a Member. When that Act was passed, he believed that the House had not the slightest notion of the purposes to which the powers contained in it would be applied. But anyone who now knew the mode in which they were used by the Committee appointed by the Judges—the small Committee—would, he thought, agree that it was high time for the House to interfere. His hon. and learned Friend the Solicitor General said they were legislating in respect of rumour; but that rumour was tolerably clear and defined, inasmuch as it emanated from the Report of the Committee appointed by the Judges then before the House. He was not speaking of the Committee of Judges, but of the Committee of which he believed his hon. and learned Friend was a Member —a Committee of the Bar, selected, no doubt, upon some principle; but not, he thought, representing very widely those engaged in the practice of the Profession. This small Committee had made a Report, which was certainly not in the nature of a rumour, because nothing could be more definite and distinct than its recommendations. He held in his hand a Petition, which he was unable to present, from the Law Institution, recommending the adoption of the clause now under discussion. That Petition represented, as hon. Members were aware, in a great measure, the opinion of every branch of the Profession. He supposed the object of the discussion which had been raised was to strike the words "or Rule of Court" out of the Bill, in order to defeat the Bill in Committee under the form of amending it, as though they were on the question of second reading. He hoped the Committee would not allow that to be done; and he appealed to hon. Members to pass the clause as it stood.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, it appeared to him that the passing of this clause, in its present form, would amount to an insult on the Judges. That undoubtedly would be the effect of such legislation. The Committee of Judges who had to determine these matters consisted of the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Exchequer, together with four other Judges of the Supreme Court of Judicature. His hon. and learned Friend opposite was a party to the Bill which gave the powers in question to the Judges; and why he should now sneer at those powers he was quite unable to see.

SIR HARDINGE GIFFARD: My Bill refers to the Acts of 1873 and 1875. The Act of 1876 is not touched.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he was referring to the argument of his hon. and learned Friend as to the smallness of the Committee. He contended that his hon. and learned Friend, instead of complaining of the smallness of the Committee, ought to have attacked the Act for which he was personally responsible. He repeated that it would be an insult to the Judges to pass this clause in its present form, inasmuch as it would take away from the Judges of the Supreme Court the powers which were given to the Judges in Bankruptcy, the County Court Judges, and the Judge of the Court of Probate and Divorce. The House, he thought, would understand that if the Judges were not allowed to remedy any defect in procedure without waiting for the time named in the Bill to lapse, and especially in view of the fact that Parliament might not be sitting at the time such alteration was needed, the interest of the public must inevitably suffer. He believed the Committee would see that the objection of his hon. and learned Friend was really towards the constitution of the Committee, not to the Judges. The Judges had nothing to do with the appointment of the Committee. It was the Lord Chancellor who requested certain persons—Judges, members of the Bar, and eminent solicitors—to meet, not for the purpose of drawing up any rules, but simply to lay their views before the Committee of the Judges. At the present moment his hon. and learned Friend had no knowledge whatever of what the rules of the Judges were to be, because they had made no Report. It was simply because the Committee had placed their recommendations before the public that his hon. and learned Friend assumed that they would be accepted by the Judges and brought forward in this Bill. Now, his hon. and learned Friend the Solicitor General had just pointed out that the Judges were, in matters of procedure, more competent than that House; and even if the Committee were disposed to think it right to criticize the conduct of the Judges, he trusted, for the reasons he had advanced, that they would not pass a clause which would undoubtedly result in prejudice to the public interest.

MR. BUTT said, he was surprised that the hon. and learned Attorney General should have resorted to the argument that the passing of this Bill amounted to an insult to the Judges. He was certain that neither the hon. and learned Gentleman opposite (Sir Hardinge Giffard), nor any other Member who supported the Bill, had the slightest desire to offer any insult to the Judges. But where the point was one which involved great and important principles, it would be the duty of some hon. Members, even if the view suggested by the Attorney General were taken of their conduct, to insist upon the point before the Committee. What was the point in this case? He could not help thinking that the Solicitor General really admitted the whole principle of this measure when he said that there was one matter alluded to by the hon. and learned Member for Rye (Mr. Inderwick) which might be worthy of consideration, and it was the question of trial by jury. Why, he ventured to say that this was what was now asked for—it was the whole principle of the Bill. The state of the case was that the Judicature Acts allowed certain Rules to be framed by the Judges and embodied in an Order of Council, and which would then become law. After they had become law they were to be laid on the Table of the House. Now, under these powers of framing Rules of procedure and practice, there was reason to believe that there was an intention to make an alteration with regard to trial by jury—that important right being dealt with as a matter of procedure or practice. That being so, the Committee were told by the Solicitor General that the point might be worthy of consideration. How, then, was Parliament to have an opportunity of considering that point? Why, by passing the Bill of his hon. and learned Friend, which asked no more than that, in matters of this description, which might involve principles of the most extreme importance, instead of the Rules being framed and made into law immediately, and afterwards being laid on the Table of the House within 40 days, as required by the Act, they should be laid on the Table of the House 40 days before they came into force. In the latter case, if the Rules related simply to a matter of procedure they would not be interfered with; they would lie on the Table for the prescribed time, and be passed as a matter of course. But if, as his hon. and learned Friend had admitted, they related to and were intended to affect the Constitutional right of trial by jury, he ventured to say that, in making that admission, the whole principle of the Bill was conceded.

MR. DILLWYN said, as far as he could see, the legal discussion in which they found themselves engaged at that very late hour (2.20), was likely to continue for some time. The principle involved in the Amendment seemed to be an important one, and in order to give time for its full consideration he moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Dillwyn.*)

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he would appeal to the Committee not to agree to the Motion of the hon. Member for Swansea. The question could now be very shortly determined; but, if Progress were reported, the discussion would probably be continued at length on another occasion, and, therefore, he hoped the Committee would be allowed to proceed.

Mr. DILLWYN said, on the condition that they were allowed at once to go to a division, he was willing to withdraw his Motion.

Motion, by leave, *withdrawn.*

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 69; Noes 76: Majority 7.—(Div. List, No. 131.)

House *resumed.*

Bill *reported;* as amended, to be considered upon *Friday.*

MOTION.

PARLIAMENTARY OATH (MR. BRADLAUGH)—"GURNEY *v.* BRADLAUGH."

RESOLUTION.

Mr. LABOUCHERE said, he rose to make the Motion of which he had given Notice, in connection with the case of "Gurney *v.* Bradlaugh." He understood that the hon. Member for North Warwickshire (Mr. Newdegate) opposed this upon the idea that the action was not going on. But, of course, the House would see that as the Petition had been presented by solicitors, there was sufficient evidence to the contrary. As a matter of fact, a similar application was made by the hon. and learned Member for Chatham (Mr. Gorst), in the case of the hon. Member for North Warwickshire himself, and he (Mr. Labouchere) did not object to this, because it was only fair and reasonable in such matters that the parties concerned should have all the Papers which they required.

Motion made, and Question proposed,

"That leave be given to the proper Officer to attend the Queen's Bench Division of the High Court of Justice with the said paper writing and copy of the New Testament."—(*Mr. Labouchere.*)

Mr. NEWDEGATE asked, if the Motion could be proceeded with at that hour, seeing that he opposed it?

The Attorney General

Mr. SPEAKER: The question being raised, and Notice of Motion by the hon. Member for Northampton having been given at the last Sitting, the Motion cannot be taken, consistently with the Standing Order.

COUNTY COURTS [SALARIES AND EXPENSES OF EXAMINERS OF ACCOUNTS].

Resolution [June 9] *reported,* and *agreed to.*

Ordered, That it be an Instruction to the Committee on the County Courts (Advocates' Costs) Bill, That they have power to make provision therein, pursuant to the said Resolution.

House adjourned at half after Two o'clock.

HOUSE OF LORDS,

Tuesday, 13*th June,* 1882.

MINUTES.]—Public Bills—*First Reading*—Election of Representative Peers (Ireland) * (137); Intermediate Education (Ireland) * (138).

Second Reading—Irish Reproductive Loan Fund Act (1874) Amendment (120).

Committee — Municipal Corporations (Unreformed) * (79-140): Places of Worship Sites Amendment * (77-141).

Committee — *Report* — Metropolis Management and Building Acts Amendment (104); Local Government Provisional Orders * (106); Local Government Provisional Orders (Poor Law) * (107).

Report—Pluralities Acts Amendment * (102-139); Boiler Explosions * (129).

Third Reading—Union of Benefices (London) * (118); Imprisonment for Contumacy (103), and *passed.*

EGYPT (LATEST TELEGRAMS).

OBSERVATIONS.

Earl GRANVILLE: I beg to communicate to your Lordships the latest news we have from Egypt, of this day's date. The Khedive left Cairo at 10 o'clock this morning with Dervish Pasha for Alexandria. All passed off quietly. Mr. Cookson's state is satisfactory, but he is ordered complete rest. Sir Edward Malet has been instructed to follow the Khedive to Alexandria. Alexandria is quiet, and the shops are being re-opened. The Egyptian garrison there has been reinforced.

THE MARQUESS OF SALISBURY: Is there any fresh intelligence respecting the movements of Arabi Pasha?

EARL GRANVILLE: None whatever.

PLURALITIES ACTS AMENDMENT BILL.

(*The Lord Bishop of Exeter.*)

(NOS. 74-102.) REPORT.

Amendments *reported* (according to order).

On Motion of The Bishop of EXETER, the following Amendment was made:—

Clause 15 (Notices, &c. may be sent by post in prepaid letter).

In line 15, at the end of the clause add—

("And where a spiritual person is out of England without licence of non-residence, and without having made due provision for the performance of his ecclesiastical duties during his absence, every monition, instrument, or notice to be served on him pursuant to any of the provisions of the first-mentioned Act, may be served in the manner in section one hundred and twelve of the same Act provided in the case of a spiritual person who cannot be found; and the words 'place of residence' in that section shall mean 'place of residence in England.'")

Bill to be read 3ª on *Monday* next; and to be *printed* as amended. (No. 139.)

IMPRISONMENT FOR CONTUMACY BILL.—(Nos. 91-103.)

(*The Lord Archbishop of Canterbury.*)

THIRD READING.

Order of the Day for the Third Reading read.

Moved, "That the Bill be now read 3ª."—(*The Lord Archbishop of Canterbury.*)

THE EARL OF SHAFTESBURY said, that he should not offer any opposition to the Bill. He could not, however, but regret that the Bill brought in by his noble Friend (Earl Beauchamp) had not been accepted in preference to the one before their Lordships.

EARL FORTESCUE said, that he also must protest against the passing of this Bill into law. They were all agreed that imprisonment was a most inappropriate punishment for a clergyman of exemplary life, who thought it his conscientious duty to resist the law under which he held the benefice to which he clung. A more appropriate remedy for a clergyman who persisted in his contumacy was incorporated in the Bill which passed their Lordships' House last Session. He regretted very much that the present measure had been substituted for one which was not only more appropriate, but was more likely to conduce to the interests of the parishioners still nominally under the clergyman's charge. The best clause in the Bill seemed to be that which limited its duration to three years; and he hoped that before the end of that time some measure for dealing more satisfactorily and on sounder principles with contumacious clergymen would be passed.

Motion *agreed to;* Bill read 3ª accordingly; an Amendment made; Bill *passed*, and sent to the Commons.

IRISH REPRODUCTIVE LOAN FUND ACT (1874) AMENDMENT BILL.—(No.120.)

(*The Viscount Monck.*)

SECOND READING.

Order of the Day for the Second Reading read.

VISCOUNT MONCK, in moving that the Bill be now read a second time, said, that the nucleus of the fund was formed from the balance of a large subscription in the City of London in 1822, which had been raised to assist those then suffering from distress in the Western counties of Ireland. It amounted to over £50,000, and was vested in Trustees for the benefit of the counties of Sligo, Roscommon, Tipperary, &c. In 1844 the Trustees were incorporated into a Company, and the Company so formed was called the Irish Reproductive Loan Fund Institution, and its object was to lend money in various counties in Ireland, a certain sum being apportioned by the Trustees to each of these counties. By the Act 11 & 12 *Vict.* c. 115, which was passed in 1848, this institution was dissolved, and the fund was transferred by the Act to the Crown, with the same trusts. In 1874 the fund was transferred to the Board of Works in Ireland and that Board was empowered, in addition to the original objects, to lend to counties near the sea portions of the fund for the promotion of the fisheries of Ireland. By the 5th section of the Act, Sub-sections 2 and 3, the maximum amount in any one year to be given to any county was not to exceed one-fourth of the sum standing in the previous year to the credit of the county, and the fishery loans were not to exceed half the sum standing to the account. The operation of the provisions had been found extremely beneficial, and the object of the Bill he asked their Lordships to give a second reading to was to repeal these two subsections, limiting the amount which the Board of Works could advance for the purpose of fisheries, and to enable them to grant the entire of the amount to the maritime counties for fishery purposes. It also proposed to make these advances to fishermen in kind instead of in money by enabling the Commissioners of fisheries to purchase the nets, boats, and other things required, and supply them to the fishermen. The Commissioners had access to a much larger and better market, and would be able to procure these things at a cheaper rate and of better quality than the fishermen could do. Another provision was to increase the summary power of the Board with regard to recovering loans. That was the entire scope of the Bill. No objection had been made to it in the other House, and he trusted their Lordships would give it a second reading.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT BILL.—(No. 104.)

(*The Lord Thurlow.*)

COMMITTEE.

House in Committee (according to order).

Clauses 1 to 5, inclusive, *agreed to.*

Clause 6 (Preventing obstructions of streets).

THE EARL OF MILLTOWN complained that the Bill did not authorize the Board of Works to deal with the bars, gates, and other obstructions existing in certain parts of London, and especially in Pimlico and Bloomsbury, in which latter district they were peculiarly inconvenient. In Gordon Street, Euston Square, the notice affixed to the gate was to the effect that by permission of the Duke of Bedford, and during His Grace's pleasure, carriages and cabs might pass through within certain hours; but no wagons or other heavy vehicles were allowed without special permission. The date was July, 1835. Now, that, he submitted, was not a notice that ought to be put up in a London street in the last quarter of the 19th century. Its terms gave one the idea that there was nothing to prevent the Duke of Bedford from closing the street altogether if he chose to do so. The restriction might have been right and proper originally, when the Bedford estate was on the outskirts of London; but now that a large part of the Metropolis lay North of the New Road the bars and gates caused great inconvenience, and their maintenance was an extreme instance of the assertion of the rights of property. Both the noble Dukes (the Duke of Bedford and the Duke of Westminster) voted for the Land Act of 1881, under which those possessed of land in Ireland had had their rents reduced 25 per cent without a shadow of compensation. Under these circumstances, he felt convinced that these two noble Dukes would gladly embrace the opportunity of proving the sincerity of the opinion which they held last year by sacrificing their right to any compensation for the loss which they might sustain on the opening up of these squares and other places.

Amendment *moved,*

At end of clause add ("and in case of any such obstruction as aforesaid, erected by any person whatever, which is already in existence, the Board may, if they think fit, in like manner give such notice as aforesaid, and demolish or remove such obstruction as above provided.")—(*The Earl of Milltown.*)

LORD THURLOW said, he could not accept the Amendment, which would in its effect be retrospective.

THE EARL OF MILLTOWN explained that as he had proposed to inflict no penalty it would not be retrospective.

LORD THURLOW said, that the view of the Metropolitan Board of Works was that it would be retrospective. At any rate, the Amendment would open the door to a large variety of questions affecting the properties of the Metropolis, which would involve questions of compensation. It was to be remembered that in the case of ordinary obstructions the Board had power to proceed by way of indictment. The object of the clause was to prevent anyone who had opened a street with the consent of the Board from closing it again without their sanction.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Remaining Clauses *agreed to.*

Bill *reported* without amendment; and to be read 3^a on *Thursday* next.

FOOD SUPPLY—IMPORT OF FROZEN SHEEP.

QUESTION. OBSERVATIONS.

LORD LAMINGTON asked, If the attention of Her Majesty's Government has been called to the recent importations of frozen sheep from New Zealand; and, whether, in the interest of the British producer and consumer, it may not be desirable to introduce a Bill to compel the retail dealers to specify the description of meat they are selling, and imposing heavy penalties on any person who sells imported meat as home produce? The noble Lord observed that in bringing this question forward it was not his intention to enter into any argument in favour of protective duties, because his impression was, that, give the English farmers a fair season and fair play, they could compete with the foreigner; but not only should they, but the consumer also, have fair play. Their Lordships would see that within the last few days a vessel had arrived in England from New Zealand with a cargo of 5,000 frozen sheep. That meat could be sold at 6*d.* or 7*d.* per lb., with a profit on the sale, and it would do no harm whatever to the English producer; because, as their Lordships were well aware, there had been a great increase in the home supply, there being no less than 7,000,000 more sheep in the British Islands now than in 1874. Consequently, there was a supply of the best home produce for the wealthier classes who could afford to pay for it. The consumer ought, of course, to be able to buy the cheaper meat if he wished it; but it was not at all clear that he was allowed to do so. A correspondent of *The Times* wrote as follows:—

> "Despairing householders are asking when they are to get the benefits of such consignments as recently arrived from New Zealand. Is there a single consumer who bought a joint of one of the 5,000 frozen sheep so successfully imported who was charged less than 100 per cent. on the transaction, and honestly told what he was buying? No London butcher sells American meat, and no London butcher sold one of the 5,000 frozen sheep brought from New Zealand. This fact the public will learn for themselves if they make the round of the shops and inquire. 'No, ma'am, we don't keep it; only the best English meat.' This is the universal story; but, somehow, people do not believe it."

That morning he had received an interesting letter from a correspondent, who said he had observed with great satisfaction that Notice had been given of this Question, and continued—

> "The importance of your question to the middle and poor classes is but little realized by politicians and also by the majority of voters, who are too supine to make any demonstration that would impress the Government with the importance of this question. It is a great hardship to small purchasers that retail dealers can, in the most open manner, sell meat imported from America, Australia, &c. (for which they pay a very small price), as and at the same prices as are asked for prime English and Scotch meat, the beef being dressed in America to resemble Scotch meat, and who invariably reply, when asked the question, 'Are you sure this is not American meat?' 'No, I would not keep such a thing in my shop;" as well as being very insolent, and often refusing to serve one again. This makes it especially hard, as it oftens happens that there is not another shop near. My Lord, this is a matter that concerns very much the middle and working classes."

He hoped that this trade would be developed; at the same time, he trusted that fair play would be given to the English producer. On the principle that we prevented the sale of adulterated butter as genuine butter, so we might compel American meat to be sold as such, and thus save to the working classes an average of, perhaps, 2*d.* per lb., while doing an act of justice to the home producer.

LORD SUDELEY: I am sorry that I am unable to follow the noble Lord in his interesting statement with any information on the subject. The Board of Trade have no official knowledge of the recent importation of frozen meat from New Zealand, though their attention has been called to it by the announcement in the newspapers. The Government do not, as at present advised, think it necessary or advisable to introduce a Bill to compel retail dealers to specify the description of meat they are selling, and impose heavy penalties on any persons who sell imported meat as home produce.

THE DUKE OF RUTLAND thanked the noble Lord who had brought this subject forward, and who had received an unsatisfactory answer. English agriculture was in a depressed, not to say an alarming condition; and anything likely to benefit the agricultural classes, and to enable them to meet the competition to which they were exposed, ought to be worth the serious attention of Her Majesty's Government.

NAVY—H.M.S. "INCONSTANT."

QUESTION.

Viscount SIDMOUTH asked the First Lord of the Admiralty, Whether he will lay on the Table the official report relative to the late fire on board H.M.S. "Inconstant," at the Cape of Good Hope?

The Earl of NORTHBROOK, in reply, said, that no serious damage had been done to the *Inconstant* by the fire. He was glad to have the opportunity of stating that the conduct of the ship's company on the occasion was excellent. A Court of Inquiry as to the causes of the fire was held, under the presidency of the Admiral in command of the Fleet on the station, and the Report of it had been received. The Court was unable to come to any conclusion as to the cause of the fire. It was contrary to the invariable custom of the Admiralty to make public the Reports of Courts of Inquiry; but he would be most happy to let the noble Viscount see the Papers, if he desired to do so.

EDUCATION DEPARTMENT—WILLESDEN DISTRICT SCHOOL BOARD.

OBSERVATIONS.

The Earl of CARNARVON rose to call attention to the Letter from the Education Department of the 23rd May 1882 ordering the establishment of a board school for the Willesden district. The noble Earl cited the provisions of the Act of 1870 as to the formation of school boards under ordinary and under extraordinary circumstances. In the former case there was to be notice, and, if objection were taken, public inquiry. In the latter case, if the discontinuance of a school or schools led to a deficiency of accommodation, the formation of a school board might be ordered. Willesden was just outside the area of the London School Board, and it had a large and increasing artizan population. By the co-operation of all classes, provision had been made voluntarily for elementary education. But the closing of a Wesleyan school for 136 children was followed by the receipt of a letter ordering the establishment of a school board to meet an alleged rapidly-increasing deficiency of school accommodation. It was denied that, having regard to the whole district, there was any such deficiency. There was in the district a total population of 27,360. The estimated accommodation required for the children was, in the opinion of Mr. Willis, the Inspector, 3,964 places. The present accommodation was 4,577 places. If to this number 432 were added in respect of new buildings, the total number of places would be 5,009, showing a clear surplus of 1,045 places. Possibly the answer of the Department might be that there was a deficiency in the parish of Willesden as respects school accommodation, and that condition might have been arrived at by omitting from the list of schools St. Augustin's and St. Luke's, because they were not strictly within the boundaries of the parish. One of these large schools was, however, on the boundary, while the other was only a few yards outside the limit. Moreover, they were erected for the express purpose of providing for the educational wants of Willesden—a fact which was recognized by the Education Department when they were originally built. The course taken by the Education Department was open to several grave objections. First, it was an offence against the general spirit and intention of the Education Act. That intention was clearly expressed by Mr. Forster in 1870, when that right hon. Gentleman said that the object aimed at was only to supplement existing voluntary efforts. In a populous district like Willesden, where there was a nice balance of supply and demand, the sudden closing of an existing school was a very dangerous act. The Department was only to proceed in a summary manner where application was made with respect to a school district, or where it was satisfied that the managers of an existing voluntary school were unable to carry it on. Neither of those conditions had existed in the case of Willesden. The feeling of the district was entirely against the change which had been made. Even if it were otherwise, the Department was not justified in the course taken. An inquiry ought previously to have been held. It was the more right that such an inquiry should have been held, because voluntary efforts in that parish had triumphed over great local difficulties. He understood that the step once taken could not be reversed; but a great hardship had been inflicted, he quite believed, unintentionally, and he thought that some means should be brought into existence whereby such a hardship should be remedied.

LORD CARLINGFORD (LORD PRIVY SEAL), in reply, said, he had no reason to complain of the noble Earl for bringing forward that question. The Department, however, had only followed the usual course. He wished to make no greater excuse for himself in the matter than if he were actually President of the Council, and, indeed, he was as responsible as if he had recently been appointed Lord President. He quite understood the way in which the facts had presented themselves to the noble Earl's mind. But the noble Earl had not been quite accurate in his reference to the Education Act. If he had read the second sub-section of Section 12 of that Act, he would have seen that the power given to the Education Department was intended to meet precisely the case which had happened at Willesden. When the Department was satisfied that an existing school had been discontinued, or that the school accommodation was insufficient, it was empowered, after an inquiry, public or private, to direct the erection of a school board. That was precisely the case at Willesden. A considerable boys' school was closed, and, there being no prospect of the deficiency being supplied, the Department ordered the erection of an additional school. The noble Earl said that the school accommodation in Willesden was not only sufficient, but more than sufficient. But this parish had so increasing a population that it was scarcely possible for an Inspector of Schools at any time to say whether the school accommodation was sufficient or not. The accommodation that was sufficient to-day was not sufficient to-morrow. But, irrespective of that, the opinion of the School Inspector was that in Harlesden, which was a portion of the parish of Willesden, a boys' school was urgently needed at this moment. Nothing was being done, and, as far as the Education Department knew, nothing was in contemplation, which would supply the place of the school that was stopped at Harlesden. The fact was that so long ago as January last the committee that managed the Harlesden Boys' School adopted a resolution to the effect that they were compelled to close the school in consequence of the gradual withdrawal of support from the school by the public, who preferred a board school. Ten days elapsed from the time when notice was given before the order was made by the Education Department. He believed that between the 9th and the 19th of May no communication of any kind was made to the Department. The action of the Department, to say the least of it, was thoroughly legal under the terms of the Act. But the Department did not confine their attention simply to the closing of this school; they took into view the whole condition and prospects of the parish of Willesden. He entirely agreed with the noble Earl that this power of the Department ought to be exercised with great caution; but he could not but think that under the circumstances he had described the establishment of a board school was necessary. He could assure the noble Earl that the order for the establishment of a board school was made in the interests of education in the parish of Willesden.

VISCOUNT CRANBROOK objected strongly to the course which had been taken in this matter. Because one school holding 120 children was shut up in one part of the parish of Willesden, though its closure could affect only, at most, a limited part of the population, and there were other schools affording ample accommodation within no unreasonable distance, notice was at once peremptorily given by the Committee of Council that a board school must be established. The Committee of Council, he contended, had not originally fixed a definite period, and had not allowed sufficient time to elapse before issuing their final notice, and had acted in contravention of the Statute regulating such questions as that now before their Lordships. The Committee of Council had applied the Statute in a harsh and unjustifiable manner. The irrevocable step which had been taken was unjust to those who had made voluntary efforts in the parish, and the answer of the noble Lord opposite was most unsatisfactory.

ENTAILS (SCOTLAND).

MOTION FOR A RETURN.

THE EARL OF CAMPERDOWN: My Lords, I beg to move for a Return of

"I. Entails executed in Scotland prior to 1st August 1848;

(*a.*) The number cut off since that date;
(*b.*) The number now in existence:

"II. Entails executed in Scotland on and subsequent to 1st August 1848;
(*a.*) The number registered;
(*b.*) The number which have since been cut off;
(*c.*) The number now in existence."

I believe the Returns, if they are granted, will give very useful and instructive information in regard to existing Acts of Entail. There was an Act passed in 1847, called Lord Rutherford's Act; but I have never seen any Returns of the operation of that Act. Those who framed that Act expected that by it entails granted in future would be easier to cut off than heretofore. I should very much like to know what has resulted. I do not myself know how many entails there are at present in Scotland—whether there are 1,000 or 1,000,000—and I think it would be very instructive and very useful, especially in reference to the Bill which is now before your Lordships' House, if these Returns should be granted.

The Earl of ROSEBERY: I quite agree with my noble Friend that these Returns would be very useful and instructive if they could be obtained. All I can say is, that we will do our best to obtain them for him.

The Marquess of SALISBURY: Seeing that the noble Earl's Bill—the Entail (Scotland) Bill—comes on on Thursday for second reading, I suppose we shall have these Returns long after the measure has gone to "another place."

The Earl of CAMPERDOWN: I hope, at all events, we shall get the Returns early, and before we get into Committee. I do not think there need be much delay; because I should think it would be only a question of copying of certain Returns in the Register House at Edinburgh.

The Earl of ROSEBERY: I am glad the noble Marquess takes an interest in the Bill, and that he expects it to pass so speedily through this House and go to "another place."

Motion *agreed to.*

Return of—
I. Entails executed in Scotland prior to 1st August 1848;
(*a.*) The number cut off since that date;
(*b.*) The number now in existence:
II. Entails executed in Scotland on and subsequent to 1st August 1848;

(*a.*) The number registered;
(*b.*) The number which have since been cut off;
(*c.*) The number now in existence.—(*The Earl of Camperdown.*)

Ordered to be laid before the House.

ELECTION OF REPRESENTATIVE PEERS (IRELAND) BILL [H.L.]

A Bill to amend the Law relating to the Election of Lords Temporal to serve in Parliament for Ireland—Was *presented* by The Earl of Belmore; read 1ª. (No. 137.)

INTERMEDIATE EDUCATION (IRELAND) BILL [H.L.]

A Bill to amend the Intermediate Education (Ireland) Act, 1878—Was *presented* by The Lord O'Hagan; read 1ª. (No. 138.)

House adjourned at a quarter past Six o'clock, to Thursday next, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 13*th June*, 1882.

The House met at Two of the clock.

MINUTES.] — Private Bills (*by Order*) — *Third Reading* — Gateshead and District Tramways*; Lydd Railway (Extensions) *; Milford Docks*; Plymouth and Dartmoor Railway *, and *passed.*

Public Bills—*Committee*—Prevention of Crime (Ireland) [157]—R.P. [*Tenth Night*]; Corn Returns (No. 2) * [193]—R.P.

Committee — Report — Third Reading—Customs and Inland Revenue Buildings (Ireland)* [156], and *passed.*

Considered as amended—Third Reading—Public Schools (Scotland) Teachers* [153], and *passed.*

Third Reading—Local Government (Gas) Provisional Order* [144]; Local Government Provisional Orders (No. 7)* [167]; Local Government Provisional Order (No. 8)* [168]; Local Government Provisional Orders (No. 9)* [174]; Pier and Harbour Provisional Orders* [142]; Tramways Provisional Orders (No. 3)* [151], and *passed.*

QUESTIONS.

LICENSING ACTS (SCOTLAND) — THE JOINT LICENSING COMMITTEE, PETERHEAD.

Dr. CAMERON asked the Secretary to the Treasury, Whether his attention has been called to the fact that three applications for confirmation of new certificates for grocers' and publicans' licences, set down for consideration at a meeting of the Joint Licensing Committee of Peterhead on May 15th, not being granted in consequence of there being no quorum of the Joint Committee, the magistrates present granted an illegal certificate authorising the applicants to sell liquor at their own risk, and on that certificate the Excise authorities have provisionally accepted the Licence Duty, and permitted the persons to sell liquor as if licensed according to Law; and, whether, when provisionally accepting the Duty, the Excise officials granted licences on unconfirmed "new certificates," in contravention of the provisions of the Publicans' Certificates (Scotland) Act; and, if not, under what authority the Excise officials have in these cases connived at the selling of excisable liquors by unlicensed persons?

MR. COURTNEY: I am informed that the Confirmation Court at Peterhead, which did not consist of the full quorum, confirmed, so far as they had the power, the certificates in the three cases referred to, which certificates had been unanimously granted by the Licensing Court. This, however, was subject to the applicants accepting the risk of an objection, on the ground of the incompleteness of the Court. The Excise have not granted licences in any of the cases; but, in accordance with their usual practice, and not in contravention of any Act of Parliament, they informed the applicants that if they thought proper to deposit the Licence Duty and to sell on their own responsibility, pending the full confirmation, they would not be interfered with so far as the Revenue was concerned.

EDUCATION DEPARTMENT—SPELLING REFORM—THE PHONIC SYSTEM.

MR. HEALY asked the Vice President of the Council, Whether his attention has been called to a letter of the clerk to the Leeds School Board, of the 14th June 1881, addressed to the Spelling Reform Association, as follows:—

> "The Inspector of the Board has repeatedly examined those schools in which the Phonic method is carried out, and Her Majesty's Inspector of Schools has on several occasions expressed his approval of the method and his satisfaction at the results. The method was lately adopted by an infants' school teacher with marked success, showing that the method is easy of acquirement and fruitful in its results;"

And, whether the Education Department can do anything to facilitate the teaching of children to read under the method therein recommended?

MR. MUNDELLA: I have seen the letter to which the hon. Member refers. Mr. Legard, Her Majesty's Inspector, expresses his satisfaction with the results of the Phonic method of teaching reading in certain infant schools at Leeds. He states that no change is introduced in the mode of spelling; but that the different vowel sounds are distinguished by a variety of marks, which greatly facilitate the teaching of reading to young children. Although the Department is willing that new educational experiments shall have a fair trial, we do not feel justified in prescribing the Phonic or any other method. We shall not, however, discourage it; and we believe that if the system is sound it will make its way, as there is no lack of enterprize on the part of school boards, managers, and teachers, all of whom are interested in arriving at the highest results by the best methods.

VACCINATION—THE OFFICIAL METHOD.

MR. P. A. TAYLOR asked the President of the Local Government Board, Whether his attention has been called to the verdict of a coroner's jury at Holloway, of "shock to the system following vaccination," the medical evidence being that the child in question might have survived two incisions, but was unable to withstand the shock caused by four; and, whether the British Medical Journal is correct in asserting that—

> "It is imperative for public vaccinators to make four scarifications, in accordance with the directions of the Local Government Board?"

MR. DODSON: My attention has been called to the verdict in this case, but as yet I have only been able to obtain a brief report in a newspaper of the evidence, and I have directed a further inquiry into the circumstances of the case. It is true that the instructions issued several years ago by the Privy Council direct the public vaccinators to make such punctures as would produce four vesicles; but, according to the experience of the Department, no harm has resulted from this practice, which is considered requisite to insure effectual vaccination. According to the report, it was stated by the medical witness at the inquest that the public vaccinator would not necessarily make himself acquainted with the physical condition of the child before vaccination. This, however, is entirely a misapprehension, as the official instructions expressly direct the public vaccinator to ascertain the state of the child's health before he undertakes to vaccinate it.

THE IRISH CHURCH TEMPORALITIES COMMISSION — NATIONAL SCHOOL TEACHERS (IRELAND) ACT.

Mr. MACARTNEY (for Mr. Ewart) asked the Secretary to the Treasury, If the Commissioners of Church Temporalities in Ireland have paid over cash, or have appropriated specific securities of an equal value to the amount of one million three hundred thousand pounds to the Pension Fund, under the National School Teachers (Ireland) Act, as required by the third section of the Act of the 42 and 43 Vic. c. 74; and, if the money has not yet been paid over, to inquire whether steps will be at once taken to secure the Pension Fund before any further charges are imposed on the property of the Irish Church Fund?

Mr. COURTNEY: The Irish Church Commission have not paid over cash or appropriated specific securities of an equal value to £1,300,000 to the National School Teachers' Pension Fund, because the Act only requires them to do so upon a certificate from the National Debt Commissioners, that the whole or part of the sum is required for the purposes of the Act, and no such certificate has been given. The Irish Church Commissioners pay to the National Debt Commissioners, under the second part of the section in question, interest at the rate of 3 per cent per annum upon £1,300,000. Any new charge to be imposed upon the Church Fund must form the subject of proposals to Parliament; and the hon. Member will be able to judge whether these proposals maintain the security of the National School Teachers' Pension Fund.

EMIGRATION — PASSENGER TRAFFIC FROM SCANDINAVIAN PORTS.

Mr. MOORE asked the President of the Board of Trade, Whether any steps have been taken to inquire into the emigrant traffic from the Scandinavian Ports; and, whether he can lay any Papers or Reports on the subject upon the Table?

Mr. CHAMBERLAIN, in reply, said, that an inquiry had been ordered as to the conveyance of emigrants from the Scandinavian ports. The Report had been received, and as soon as it had been considered there would be no objection to lay it on the Table?

EGYPT—THE POLITICAL CRISIS.

Mr. ASHMEAD-BARTLETT asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have asked, or will now ask, the Sultan, who is Sovereign of Egypt, to send an armed force to that Country to prevent a recurrence of the recent deplorable riot at Alexandria, and to check the revolutionary party?

Sir CHARLES W. DILKE: I regret that it is not expedient that I should give any further answer to the hon. Member than that I have already given. The hon. Member will see by the course of events and the Papers, when published, what has been the policy of Her Majesty's Government with regard to armed intervention in Egypt.

Mr. ASHMEAD-BARTLETT: I beg to call the attention of the hon. Baronet to the fact that my Question applies as much to the future as to the past.

Sir CHARLES W. DILKE: Yes, Sir; my answer also applies to the future.

Sir STAFFORD NORTHCOTE: I wish to ask the hon. Baronet whether he can give us any further information as to the recent events in Alexandria, and the condition of Mr. Cookson, our Consul?

Sir CHARLES W. DILKE: Alexandria is now perfectly quiet. There is a very large concentration of Egyptian troops there. Dervish Pasha has increased the garrison, which now amounts to 12,000 men, almost the whole of the Egyptian Army being there. The streets are perfectly quiet; the troops patrol the streets and disarm everybody, taking away their sticks. Mr. Cookson is going on very well indeed. It may be interesting to know how many people have been killed in the riot. We have no very accurate information on that subject. It has been exceedingly difficult to discover it from the different hospitals; but our own information is that about 50 people were killed.

Mr. J. LOWTHER: The hon. Baronet spoke of Dervish Pasha as having increased the garrison of Alexandria. Do I understand that Dervish Pasha has assumed the responsibility of restoring order in Egypt?

Sir CHARLES W. DILKE: As I stated yesterday, the position is extremely anomalous. Orders are given both by Dervish Pasha and the Khedive; and they apparently are given through Arabi Pasha and the other Ministers; but Dervish Pasha states that the increase in the garrison of Alexandria has been by his orders.

Mr. G. W. ELLIOT asked whether, in the event of Arabi Pasha being reinstated in the Councils of the Khedive, the Ultimatum or Note, or whatever it might be called, of Her Majesty's Government and France having thus been absolutely disregarded, Her Majesty's Government propose to take any steps to enforce such Note or Ultimatum; and, if not, whether any orders had or would be given for the Fleet to leave Egyptian waters?

Sir CHARLES W. DILKE: I cannot answer the Question for two reasons. In the first place, it is not a Question growing out of the answer I have already given; and, in the second place, it is a Question of which Notice ought to be given. Notice ought to be given of all Questions not arising out of the immediate situation.

Mr. RAIKES: Perhaps the hon. Baronet can say whether the Government are in the possession of any information as to whether the Khedive has left Cairo?

Sir CHARLES W. DILKE: I was about to make a statement on that subject in answer to a Question on the Paper of my hon. Friend the Member for Hull (Mr. Norwood).

Mr. ASHMEAD-BARTLETT: I beg to give Notice that I will repeat my Question to-morrow.

Baron HENRY DE WORMS asked the hon. Baronet whether five of the iron-clads now in Egyptian waters drew too much water to enter the harbour of Alexandria?

Sir CHARLES W. DILKE: This Question does not at all arise out of the others; but in order to prevent it being put a second time I shall answer it now. The Question, I suppose, refers to the four iron-clads (not five) that have last appeared off the coast. One of them draws too much water to enter the port. One can enter, and the other two can enter into a portion of the harbour, but not the whole.

Mr. NORWOOD asked the Under Secretary of State for Foreign Affairs, Whether steps have been taken to secure prompt communication between Her Majesty's Representatives at Cairo and the commanders of Her Majesty's vessels at Suez and Port Said, in order that British merchant ships may be stopped from entering the Canal in the event of the disorders in Egypt assuming a more threatening aspect?

Sir CHARLES W. DILKE: In reply to my hon. Friend, I can inform him that there is at each end of the Canal one of Her Majesty's ships, whose commanders would at once know if anything were wrong, and warn vessels accordingly. Measures have been taken to restore at once telegraphic communication in the event of its being interrupted, and the Admiral is fully supplied with despatch vessels, should they be required. As the Question refers to communications between Port Said and Suez, I may take this opportunity of stating that the Khedive and Dervish Pasha have left Cairo together for Alexandria; but Sir Edward Malet and the other Consuls have not accompanied them, but remain at Cairo. The news arrived about two hours ago, and I do not know whether they had left late last night or early this morning; but Sir Edward Malet and the other Consuls seem to have remained at Cairo. We have informed Sir Edward Malet that we think his proper place is with the Khedive. I have no doubt, therefore, that he will have left for Alexandria.

Mr. JOSEPH COWEN: I wish to ask, has the hon. Baronet received any information as to the formation of a new Ministry of which Arabi Pasha is the head?

Sir CHARLES W. DILKE: No, Sir; we have no such information.

Mr. LABOUCHERE: Can the hon. Baronet state where Arabi Pasha is—whether he is still at Cairo?

Sir CHARLES W. DILKE: The telegram does not give us any information on the subject. I presume he remains in Cairo; but I do not know.

Mr. MACARTNEY: I wish to ask if Arabi Pasha remains at Cairo while the whole of the Egyptian Army has gone to Alexandria, is not the position of the Europeans who remain at Cairo very dangerous?

Sir CHARLES W. DILKE: That, of course, is a matter of opinion; but I have no doubt that if the whole of the European Consuls follow the Khedive to Alexandria a large portion of the European inhabitants of Cairo will do the same.

Mr. G. W. ELLIOT: Can the hon. Baronet now answer my Question—namely, whether, in the event of Arabi Pasha being reinstated in the Councils of the Khedive, the Ultimatum or Note, or whatever it might be called, of Her Majesty's Government and France having thus been absolutely disregarded, Her Majesty's Government propose to take any steps to enforce such Note or Ultimatum; and, if not, whether any orders had or would be given for the Fleet to leave Egyptian waters? If the hon. Baronet cannot answer now, I will give Notice for to-morrow.

Sir CHARLES W. DILKE: I shall not be any better able to answer to-morrow than now. All I can tell the hon. Member is that the present condition of anarchy in Egypt will not be allowed to continue. I cannot go into any details of the measures which will be adopted.

Mr. BOURKE: May I be permitted to ask whether Her Majesty's Government are taking any measures by applying to shipowners for the protection and safety of British subjects at Alexandria, because it is obvious that if there is a large number of persons anxious to go on board ship, the transports or men-of-war would not be sufficient.

Sir CHARLES W. DILKE: In answer to the right hon. Gentleman, I believe that Admiral Sir Beauchamp Seymour has made arrangements for sending people wishing to leave the shore on board the *Tanjore*, the Peninsular and Oriental boat at Alexandria, at the present time the accommodation on board the iron-clads not being very good?

EMIGRATION—THE UNITED STATES OF AMERICA—PASSENGER ACTS—LEGISLATION.

Mr. MOORE asked the President of the Board of Trade, Whether it is a fact that the United States Government are at present engaged in revising their Passenger Acts; and, whether he has any objection to lay upon the Table a Copy of the proposed Bill, together with any Reports made by the Board of Trade thereon?

Mr. CHAMBERLAIN, in reply, said, that there were at present two Bills dealing with this subject before the House of Representatives in the United States, and if they were passed he would consider whether it was desirable to make a Report on the subject.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. J. HOULIHAN.

Mr. DILLON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. John Houlihan, of Roscrea, was arrested on 4th November 1881, on a charge of inciting to Boycott; whether he is still detained in Kilkenny Gaol; whether, if convicted on said charge, his imprisonment would have been much shorter; and, whether he will be now released?

Mr. TREVELYAN: Mr. John Houlihan was not arrested as a punishment for the crime which he was reasonably suspected of having committed, but because his being at large in the district was not considered consistent with its peace. That is the essence of the Protection Act as compared with the Prevention of Crime Bill. The Lord Lieutenant has recently considered his case, and decided that he cannot at present be released with safety.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PATRICK AND JOHN CURLEY.

Mr. REDMOND asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Lord Lieutenant has reconsidered the case of Patrick Curley and his son John Curley, at present detained in Kilmainham Prison; and, whether he can now order their release?

Mr. TREVELYAN: His Excellency the Lord Lieutenant has recently considered the cases of Patrick and John Curley, and decided that he cannot at present order their release.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. M. P. KENNY.

Mr. REDMOND asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the case of Mr. M. P. Kenny, of Castlecomer, at present detained under the Coercion Act, has been reconsidered; and, whether he can now recommend his release?

MR. TREVELYAN: Mr. Martin P. Kenny was released yesterday.

IRELAND—INTERFERENCE OF THE POLICE—EDENDERRY.

MR. MOLLOY asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the alleged conduct of the head constable of Edenderry, as reported in the "Leinster Leader" of June the 3rd, when a social concert was given at the residence, Leitrim House, of Mr. Eugene O'Brien; whether the head constable, Macken, had any authority either under the existing law, or by direction from the authorities, to stop in the street and threaten Mr. Eugene O'Brien, his brother, Mr. Michael O'Brien, the Poor Rate Collector, and Mr. Andrew Pelin, that if they attended this concert he would report them, and suggesting pains and penalties in case of their attendance; whether the head constable attended at the concert with a large body of men, and threatened that in the event of any interference with his note taking he would shoot the people; whether the programme of the concert had been previously submitted to and approved by the police; whether if the allegations are well founded he will now remove head constable Macken from this district; and, whether the head constable has publicly stated that he does not care about any Questions relating to his conduct being asked in Parliament, and that he will continue to act as he may desire?

MR. TREVELYAN: I have inquired into this matter, and find that the newspaper account of the transaction is incorrect in important particulars. The head constable acted under the directions of his superior officers, who had reason to believe that the concert was being held for an illegal purpose. The head constable was ordered to take the names of those attending. He denies that he used any of the language attributed to him. There is no foundation whatever for the statement that he threatened to shoot the people. He had no conversation with Eugene O'Brien. He did tell Michael O'Brien that he had sufficient force with him to enable him to carry out his orders, and he met Mr. Andrew Pelin in the street and advised him, as an Assistant National School Teacher, not to attend the concert. The programme had not been submitted to the police for approval. The head constable denies that he ever said he does not care about Questions in reference to his conduct being put in Parliament. The Inspector General informs me that he is a man of excellent character, and there is no reason why he should be removed from the district.

IRELAND—THE "TREATY OF KILMAINHAM."

SIR WALTER B. BARTTELOT: I beg to ask the Prime Minister a Question, of which I have not given him private Notice; but the Question is of sufficient importance to justify me in putting it without Notice. It is this. There is a rumour very current that there is another letter which was submitted to the Cabinet with reference to the Kilmainham Treaty—a letter written by the hon. Gentleman the Member for the City of Cork (Mr. Parnell) to the hon. Gentleman the Member for Longford County (Mr. Justin M'Carthy)—and that that letter was submitted to the right hon. Gentleman the President of the Board of Trade, and by him submitted to the Prime Minister and the Cabinet. That is the report which is current. If that is correct, I feel quite sure the right hon. Gentleman will at once say so; and if it is incorrect, this will give him an opportunity of denying it. But if it is correct, I shall ask him whether that letter cannot be produced and laid upon the Table?

MR. T. P. O'CONNOR: Before the right hon. Gentleman answers the Question, I should like to ask him whether he is not aware that there are at least 100 other rumours current about the Kilmainham Treaty; and whether he will take the trouble to answer each and every one of them?

MR. GLADSTONE: The course which has been taken by Her Majesty's Government on this subject has been uniform from the first. But, in the first place, I would say that I do not think it is quite courteous on the part of the hon. and gallant Baronet to put a Question about the "Kilmainham Treaty," he knowing perfectly well that I have many times denied that any Treaty, compact, understanding, or whatever he may like to call it, exists, or ever has existed, between Her Majesty's Government and the hon. Member for the City of Cork. The hon. and gallant Baronet is quite welcome to retain his own private opinion on the matter; but it is not courteous, becoming, or Parliamentary on his part to put Questions to me in regard to the "Kilmainham Treaty." With regard to the subject itself, the ground taken by Her Majesty's Government has always been this—that the Act of Parliament committed exclusively to Her Majesty's Government the business of imprisoning and of releasing under the Protection of Person and Property Act, and that it was no part of our duty or business at all to produce to the House of Commons the evidence upon which we proceeded either in imprisoning or in releasing. Now, it is out of no want of courtesy to the hon. and gallant Baronet that I am obliged to adhere to that ground, because I feel that that was the sense and spirit of the Act of Parliament, which I am not at liberty to disregard. Any attempt on our part to have produced the evidence upon which we proceeded would have been, in my opinion—and in the opinion, I think, of my Colleagues—an attempt to carry over to Parliament a responsibility which was entirely and exclusively our own. For that reason, I am not disposed to enter at all upon the discussion of the subject which the hon. and gallant Baronet has opened; and if he desires the production of a document, which, I think, it is no part of our duty to produce, it is not for me in the least to say to whom he should address his application.

SIR WALTER B. BARTTELOT: The right hon. Gentleman, I am sure, will feel that it was from no want of courtesy that I addressed the Question to him. I heard the rumour. I thought it an important Question, and I put it direct. The right hon. Gentleman has not denied that there was such a correspondence; but he referred me to somebody else, and I should like to know to whom I should apply to have the letter produced?

MR. SEXTON inquired how many persons were now in custody, how many were classified by the Government as associated with crime, and what was the cause of the delay in the release of those not so classified?

[No answer was given to these Questions.]

MR. G. W. ELLIOT said, the question of the "Kilmainham Treaty" had become so important that he begged to give Notice that he would ask the hon. Member for Clare (Mr. O'Shea) if on the occasion of his visit to Kilmainham he was not accompanied by another Gentleman?

ORDER OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[BILL 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 12th June.*]

[TENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART II.

OFFENCES AGAINST THIS ACT.

Clause 5 (Riots and other offences).

MR. CHARLES RUSSELL said, the Amendment he had to propose was to omit Sub-section (*b*) of this clause. The Sub-section provided that—

> "Within six months after the execution of any writ of possession, or decree for possession, of any house or land, every person who takes or held possession of such house, or land, or any part thereof, without the consent of the owner, shall be guilty of an offence against this Act."

This provision would turn what might be a mere act of residence into an offence punishable by six months' imprisonment. Any member of a family, or anyone in attendance upon a family, who took possession of a house, or land, temporarily, for purposes of shelter, from which the tenant had been evicted, would come within the meaning of the clause. He did not imagine that the Government intended to make such an act of trespass a crime punishable by six months' imprisonment; and if they insisted upon the clause it ought to be qualified by being applied to cases of wrongful possession. There certainly should be some notice to a person who might have committed an act of trespass that if he unreasonably withheld possession he would be guilty of a crime. A case might arise of a person, who, quite innocently, took shelter in a part of premises from which a man had been evicted, and it would not be right to bring such a person within the power of the section.

Amendment proposed, in page 3, to leave out Sub-section (*b*).—(*Mr. Charles Russell.*)

Question proposed, "That Sub-section (*b*) stand part of the Clause."

VISCOUNT EBRINGTON said, the question really at issue was whether the law of Ireland should be observed, because it was the law, or whether it should be disregarded with impunity, wherever it did not happen to fall in with the views of a part of the community. It had frequently occurred of late that a tenant, on whom a notice of ejectment had been executed, and whose equity of redemption had long expired, had resumed possession of the holding and made use of it in defiance of the law; and the proposal now was that such an offender, instead of being charged at Quarter Sessions for taking and holding forcible possession, should be summarily tried for what might be called a trespass in contempt of the law. The necessity for this depended upon whether the offence had been a common one, and whether the law, as it now existed, was found adequate to deal with it. He found, from the Returns submitted to the House, that up to the year 1880 the taking and holding forcible possession of property was almost an unknown thing in Ireland; but in 1880 and 1881 no less than 147 cases had occurred, and of these 113 had gone entirely unpunished. He believed, further, that in a considerable proportion of the 34 convictions, the tenants forcibly holding possession had incurred no penalty beyond having been required to come up for judgment when called upon, because the Crown Solicitor, knowing that there was very little chance of obtaining a verdict if the case went to a jury, was prepared to accept a compromise. If the case had gone to a jury, it was almost certain that a jury would have acquitted, in face of the evidence, or have disagreed. There was also a great difficulty in obtaining evidence that the taking possession had been accompanied by actual violence. It was obvious that unless a man was seen to take forcible possession, it was difficult to prove that he had broken down a door or a fence, although the door might have been securely made up before, and although there was no dispute that he had been acting in defiance of the law, which had given possession to someone else. The offence was the outcome of the lawlessness which at present existed in Ireland. He might instance what had happened in the Province of Ulster, as showing the danger of allowing it to be committed with impunity. In 1880 there was only one offence in Ulster of this kind; in 1881 there were 12 cases out of a total of 65 in the whole of Ireland; and in the five months of the present year there had been eight cases out of 19, notwithstanding that within a quarter of a century previous to 1880 there had been only 30 cases of holding forcible possession in the whole of the country. In point of fact, it came to this—that the law at present was not sufficient to deal with these cases; and the Government, who were well qualified to judge, were of opinion that this alteration was necessary, in order to give efficacy to the Act. It should be remembered that although the punishment of the offence was a sharp one, nobody would incur it who did not wilfully expose himself to it. He, therefore, hoped that the Government would not accept the Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the reason why the Government could not accept this Amendment was this —The object of the clause was to strengthen the law. It was found that the ordinary law was defective, and was brought into contempt. What was it that occurred? He was able to speak from personal knowledge, and what occurred was this. A decree was obtained in the Civil Court for ejectment for the non-payment of rent, and it was executed. Possession was given up to the landlord, and, apparently, everything was perfectly regular. The place was fastened up and made secure, or some caretaker was put in. The caretaker who had been put in happened to go away for a time, and the next day all the family who had been displaced went back again to the holding; and there was no power of dealing with them, because the Civil Court which had issued the execution could not deal with the case as one of contempt of Court. In regard to the Superior Courts, a writ taken out there was executed in the same way, and possession was given up. The result of that was that the power of the writ was fully expended and the execution was exhausted; and the Superior Court had no means in the world of dealing with the person who had broken the law, unless an expensive process was resorted to of appealing again to the Court for the punishment of the person who had treated the order with contempt. These were obvious reasons why there should be a change in the law. He hoped that hon. Gentlemen below the Gangway would see that this was a matter which ought to be dealt with; and the Government proposed to deal with it by making it an offence punishable summarily. The maximum punishment was six months' imprisonment; but it was a maximum punishment, and need not necessarily be imposed in all cases.

Mr. HEALY: It is to be accompanied by hard labour.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, the hard labour was only optional, nor was it likely that the Court would inflict it in a case in which it was not well deserved. His hon. and learned Friend the Member for Dundalk (Mr. C. Russell) had put the case of a person who was acting innocently—that was, a man who took possession without knowing that he was committing any offence at all. That was the case which appeared to have been contemplated by an Amendment which had been placed upon the Paper by the hon. and learned Member for Hereford (Mr. Reid), who proposed to insert the word "knowingly." He saw no objection to the insertion of this Amendment; but he certainly thought that the person who did that knowingly committed an offence.

Mr. SEXTON said, the right hon. and learned Gentleman must imagine that the people of Ireland were extremely innocent in regard to the manner in which the law was administered in that country. The right hon. and learned Gentleman said that the penalty of hard labour was an optional penalty; but they did not forget the fact that it was left to the discretion of two stipendiary magistrates who were landlords, and probably with a dash of militaryism added. It was absurd, therefore, to say that the penalty of hard labour would be optional, because anybody who knew anything of the tribunal would know that the stipendiary magistrates would inflict the heaviest penalties the law allowed them to inflict. It was very difficult to understand the clause as to the effect of taking and holding forcible possession. The clause, as proposed by the Government, was a very elastic and dangerous one. They spoke of taking and holding possession as an alternative, without any element of an offence in it at all. Now, he found that the offence as specified in the Act of Parliament was provided for in a different way—it was by taking and holding forcible possession.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, there were two alternative offences known to the law—namely, taking and holding possession, and another taking and holding forcible possession.

Mr. SEXTON regretted that the Government had not considered it desirable to tabulate any of these offences, except the graver one of taking and holding forcible possession. They were now inventing, for the purposes of this Coercion Act, a new offence, a kind of double-barrelled offence, of taking and holding without force. His own opinion was that they were adding to the existing offence something that was not called for by the necessities of the case. There was not shown a necessity for this provision. The offence had decreased under the ordinary law. In the year 1880, the number of cases of taking and holding forcible possession in the whole year was under 82, and the number of convictions in respect of these offences was 12—that was to say, that in the year 1880, out of 82 cases there was only one case out of seven in which a jury convicted. Last year did that class of offence increase? It certainly did not, because the number fell from 82 to 65, and the convictions were 22. He commended to the attention of the Committee this extraordinary fact—that offences of this class fell from 82 in the year before last to 65 in last year, whereas the convictions in 1880 were one out of seven, the convictions last year were one out of three. Would any Member of the Government get up and show cause why the clause should be retained in the Bill in the face of the fact that the offence had diminished, and that the efficiency of the jury in relation to the offence had been trebled? He was amazed that it should be considered necessary to deal with such an offence under such circumstances. The cases themselves were very peculiar. A poor person, driven out of his home, in despair of finding shelter, went back for a week or two until he could make other arrangements. He remembered a case of a poor woman who was met upon the high road and asked why she was crying. She said—"I am not crying, but my eyes are sore." Now, that poor woman used at night to put her children into the house from which she had been dispossessed, and to wait outside, watch for the night patrol, and when she heard it approach, she took the children out of the house and concealed them behind a hedge until the police disappeared. It was for an offence of this kind that the Government proposed to give the military magistrates the right of imprisoning a man for six months with hard labour. He defied the Government to show a shadow of justification for the course they proposed to take. Whereas in the month of April these offences were 13 in number, they had fallen, according to the Returns, in the month of May to six. They had, therefore, the fact that there was a lessening of the number of offences, and an increase in the efficiency of the military tribunal; and yet the Attorney General for Ireland, in the face of these facts, stood up and told the Committee that the ordinary law was insufficient to deal with them. He defied the Attorney General for Ireland or the Government to prove it. The ordinary law was increasing in efficiency, and he claimed for the jury system in Ireland that the ordinary law had been fully adequate to meet the necessities of the case. He, therefore, invited the Government to explain why they had invented a new phraseology in the matter, and why this sub-section was to include matters which had never been known to the law as offences before.

MR. RYLANDS said, the noble Lord the Member for Tiverton (Viscount Ebrington) had asserted that this legislation was the outcome of the offences which had arisen in Ireland in consequence of the disturbed state of that country. It appeared to him (Mr. Rylands) that it was the outcome of the fact that evictions took place in large numbers in Ireland. He was quite ready to concede to the Government everything they considered necessary for the maintenance of law and order in Ireland; but he could not shut his eyes to the fact that they had, from time to time, Returns from Ireland proving that whilst the House was on the threshold of beneficent legislation for that country, the landlords were putting into force extreme rights; and, whatever might be said about this Bill, it would certainly tend to strengthen their power of using their legal authority. What were evictions? It might be said that some of them were just evictions. It was impossible for him to say what the individual circumstances of the cases were; but this he did know, that for many years past excessive rack rents had been exacted in Ireland, and that the arrears they were about to deal with arose out of these rack rents. Eviction was the only mode by which the landlords were able to get rid of the tenants who had fallen into arrear; but the arrears had themselves accrued in consequence of the landlords themselves charging 25 per cent, and in some cases 40 or 50 per cent, more of rent than they were entitled to charge. Parliament was asked to strengthen the power of the landlords; and he agreed with hon. Members opposite that many hundreds of people were constantly being unjustly evicted, including men, women, and children, and very often children at the breast, or children of very tender years. He believed, from all the evidence he had been able to obtain, that out of every 100 persons who were driven out of their homesteads into the roadside and, perhaps, into the workhouse, there were probably 25 per cent who were in reality placed under the sentence of death. What he contended for was that something should be done to put a stop to this evil. He had the greatest confidence that the Government were sincerely anxious to do justice to the Irish people, and he believed the measures they had in contemplation would, if they were passed, do a great deal to relieve the country from the pressure which had its natural outcome in crime and in disturbance. But what would happen before these beneficent arrangements could be passed? They could tell what would happen from what was happening. They knew that thousands of people every month were being driven out of their homesteads by the landlords. They knew, further, that the landlords were endeavouring under the Act of last year to break the present tenancies in order that the future tenants should not have any rights under the Act of 1881. Of course, he did not justify the use of any violence in opposition to the law; but he contended that the Government ought to have some regard to the justice and equity of the case; and what he should like to see the Government do, if it were at all possible for them to do it, was this—that if in the measure they were bringing forward they strengthened the power of the landlords, there should be a truce, and that the Bill should include a provision to stop these unjust evictions until the House of Commons and the Government might have the means, by future legislation, of dealing with them. With regard to this sub-section, he was very much influenced by the opinion of his hon and learned Friend near him (Mr. C. Russell), on whose calm judgment he placed the greatest reliance. He had avoided voting in favour of many of the Amendments proposed to the Bill; but he should be glad, indeed, if, in connection with this Bill, there could be a message of peace to Ireland that the people there would appreciate. [*A laugh.*] It was no laughing matter. He should like to see a measure that would provide for a short period—perhaps for 12 months—to put a stop to these evictions, which were so greatly complained of by the Irish people, so that Parliament might have an opportunity, in that time of truce between the two parties to the present land war, of passing a substantial measure for Ireland. He believed that such a course would do much to prevent crime in Ireland, and would give them more hope for the future than they could expect from exceptional legislation.

Mr. GIBSON said, the hon. Member who had just sat down intimated in the course of his speech that he desired this Bill to pass, and he (Mr. Gibson) understood him to suggest to the Committee that he desired it to pass speedily. All he (Mr. Gibson) could say, if that was the hon. Member's desire, and those were his wishes, that the speech he had just delivered was not calculated to advance them, and the suggestion he had made for the introduction of new clauses would lead to endless debate, and was certainly a suggestion which must have been made at a time when the hon. Member had not the wishes he professed very distinctly present to his mind. He regretted that the hon. Member should at this time, when appalling crimes were reported daily from Ireland, have used such an euphonism as "land war." The word "war," at the time when assassinations were being perpetrated, was not the word to employ; and he regretted that the hon. Member should have raked up these topics, which had been disposed of over and over again, and which, as often as they were stated, he should feel it his duty at once to object to, and that was that the crimes which were at present disgracing Ireland were directly traceable to the consequences of eviction. That was the statement which had no foundation whatever; and anyone acquainted with the true facts, and who desired to present the facts in their true significance to Parliament, knew perfectly well that the figures of crime and the figures of eviction demonstrated that crime was not in the slightest degree proportionate to evictions. ["Hear, hear!" *from the Irish Members.*] Yes; the crimes were found to be very numerous where evictions were very few, and, on the other hand, where evictions were very great crimes were found to be very scanty. It was worthy of note that people who disputed these facts, worked up their figures by dragging in counties like some of the counties in the North of Ireland, where there were sometimes a considerable number of evictions, and put them in an average with other counties in different parts of Ireland where there were more crimes and fewer evictions. That was a matter which had been disposed of several times, and by nobody more powerfully than by the Prime Minister in January last, when he dealt with the subject in short and vigorous sentences, which he (Mr. Gibson) would commend to the attention of anyone who had any doubt on the subject. The speech of the hon. Member for Sligo (Mr. Sexton) dealt very ingeniously with the question

—with that ingenuity which the hon. Member exhibited in every debate. The drift of his argument was, that inasmuch as they could count the offences by 80's, and 60's, and 70's in one year, and that there had been 12 convictions one year and 22 in another, the proportions of convictions showed no decrease.

MR. SEXTON: I mentioned those facts simply to show the efficiency of the ordinary tribunals.

MR. GIBSON said, that efficiency was to be measured by the circumstances under which the convictions were recorded. He was speaking in the presence of the Law Officers of the Crown; but he believed that anyone who had read the records would know that many of these convictions were in reality pleas of "guilty" entered into by a kind of arrangement by which the persons charged were released on entering into their recognizances to come up for judgment when called upon. That arrangement was consented to because there was a feeling that, if the case went to a jury, there would be either a disagreement or an acquittal. The circumstance did not prove that any great confidence was to be placed in the existing machinery for administering the Criminal Law. It might in some cases work very well, and he thought it was right and proper wherever a prosecutor could accept a plea of "guilty" that he should do so, and trust that the offender would become a good citizen in the future; but there were cases upon which they could not rely upon the present mode of administering justice being at all satisfactory. The real way to look at the point was that in which it had been presented in the clear and forcible speech of the noble Lord the Member for Tiverton (Viscount Ebrington)—namely, that these offences, whether they numbered 80 or 65, were in reality of recent growth and development. A few years ago no such figures could have been stated. It was only within the last two or three years that anything like that development—that growth of figures had—occurred in regard to that offence of taking forcible possession, or insisting on resuming possession, or retaining possession contrary to the law. Everyone acquainted with Ireland or the Irish Press knew perfectly well that one of the most notable methods of the Land League, and one of its most potent agencies of terrorism, was the forcible replacing in possession of tenants after they had been dispossessed by process of law. Very often after a man had been evicted he was replaced against his will, and kept there and maintained by the strong power of the Land League, and in many cases a man was replaced more than once. It was by that means that this method of defying the law had grown into existence in Ireland, and it was highly desirable that some means should be taken for dealing with it. The power was one which, like all other powers, must be administered with prudence, caution, and justice; but, as had been explained by the noble Lord the Member for Tiverton (Viscount Ebrington), if the present law was found sufficient in that deplorable state of things in Ireland, they would not be there at this moment discussing this Bill. It was only because within the last two years there had been developed new methods of crime in Ireland, which had disorganized society, that they were compelled to have recourse to new methods for dealing with them. He hoped the law would be administered tempered with justice, and with due consideration for everything that was entitled to be considered, but with firmness and with a desire to secure whatever was right in the interests of peace and tranquillity. In regard to the tribunal which was to administer the law, he believed that no tribunal could be suggested which would not be criticized with severity. The tribunal selected here was that of two Resident Magistrates. If the Government had selected the ordinary unpaid magistracy of the county, they would have been open to criticism, in order to show that their tribunal was not entitled to the confidence of the people, and was not entitled to credit. It was said that in England the trades union disputes were administered by the English magistrates, who were not different from the ordinary magistracy of Ireland, and that it was administered by them without the intervention of a jury. But, surely, they must look at the question from a reasonable point of view. In England the magistrates were selected from a class fitted by education and training to perform the functions of magistrates. There must always be a difference between the social position, education, and training of the persons selected to try offences of this kind and the people who had committed them, and, as a matter of course, it was absolutely necessary that the magistrates should be selected from the class who were educated gentlemen, but not invariably of the landlord class. Many of them were barristers, whose fathers had no connection with the land at all, some of them were officers, and others were connected with different pursuits. They were all, he believed, educated. He did not profess to have any special acquaintance with the Resident Magistrates of Ireland, although he knew a good many of them; but he believed them to be honourable men, desirous to do their duty according to their lights as well and fairly as they could. He hoped, therefore, although in this discussion there might be questions which would be treated from opposite points of view in regard to the tribunal which was to be selected, and in reference to which every hon. Member was entitled to indulge in criticism, that the discussion would proceed as far as possible without personal charges on the men who were called upon to perform an onerous duty under very difficult circumstances.

Mr. GLADSTONE: The debate upon this matter has not been strictly kept within the letter of the sub-section now before the Committee. With regard to the subject under investigation, I am sure my hon. Friend the Member for Burnley (Mr. Rylands), who has given, no doubt, a painful but a laudable support to the Government on the Bill, will feel, on reflection, that his suggestion would only lead to a hopeless complication of the subject, and to a great widening of it and loss of time. It would likewise have the effect of raising most doubtful principles were we to attempt, by a Proviso in the Bill, to restrain landlords in respect to evictions. The best mode by which we can deal with the subject is to make as great expedition as possible with this Bill, and also with the one dealing with arrears of rent, which will, no doubt, have an important bearing on the number of evictions. Allusion has been made also, and I do not wonder at it, in this short discussion and in several others to the nature of the tribunal—a consideration which materially affects the view of hon. Members opposite as to the new tribunal. The right hon. and learned Gentleman opposite (Mr. Gibson) has stated what I believe is perfectly fair and just as regards the Resident Magistracy in Ireland; but, at the same time, I am bound to say, in repeating what has been said by my right hon. and learned Friend the Secretary of State for the Home Department, that we are most anxious the summary jurisdiction provided should be exercised by an unexceptional tribunal. The Government desire materially to improve the provision as it stands in the Bill, and we are of opinion that it is capable of being improved. I will not now attempt to tie down the Government absolutely to the final form of the provision; but we think the efficiency of the clause would not be diminished if we introduced a Proviso that one of the two Resident Magistrates, to whom these cases are to be submitted, should be a person who has received a legal education. This will, in every sense, be admitted to be an improvement in the Bill. It is not an unfair claim to make, and it would certainly not diminish the efficiency of the Bill, while tending to prevent any possible abuse. Therefore, I hope that, for the present, we may dismiss the question of the tribunal, and consider these proposals on their merits. My right hon. and learned Friend the Attorney General for Ireland has distinctly stated that the Government consider this to be an essential sub-section, and by that proposition I entirely abide. My learned Friends have given the best consideration in their power to the remarks of my hon. and learned Friend the Member for Dundalk (Mr. Charles Russell), who pointed out that in this sub-section we are carrying over to the class of criminal offences acts which are now only the subject of a civil action. We feel the force of that objection, and the Attorney General for Ireland said he was willing to modify the clause by introducing the word "knowingly;" but, on consideration, we think the better way would be to allow the sub-section to apply only to that which is now a criminal offence—namely, the taking and holding "forcible" possession. The right hon. and learned Gentleman who has just sat down (Mr. Gibson), in reciting the object and purport of the clause, pointed out that that is its real effect. The Members of the Government who spoke last night, explained that its object was not to create a new criminal offence, and it is in fulfilment of that explanation that we make this proposition. The Government are quite willing to introduce the word "forcibly" before "takes or holds." This would place the whole clause on one definite and consistent basis, and make it comformable to the profession made on behalf of the Government—namely, that the object of the clause is not to create new criminal offences, but to provide a more effective mode of trial for certain classes of offences.

THE CHAIRMAN: I desire, before the debate on this clause proceeds further, to express a hope that my silence will not be misunderstood. I think it is irregular to introduce subjects very largely affecting the state and the future of Ireland with regard to evictions. I, therefore, hope that the discussion will be strictly confined to the Amendments, and that it will not be extended to these large and general subjects.

MR. DILLON remarked, that the spirit with which the Amendment had been met was a new departure on the part of the Government. He wished that the same spirit had been displayed before, and they would have proceeded much more rapidly with the Bill. He was bound to say that the Prime Minister, in regard to this Amendment, had met the Irish Members in a fair spirit, and he did not see why they should prolong the discussion upon the question. He had placed an Amendment upon the Paper; but he should ask leave to withdraw it. He thought the offer of the Prime Minister was a reasonable offer of compromise, and, for his own part, he accepted it. He only hoped that it might be an augury of the way in which the Irish Members were going to be met on the future clauses of the Bill, and that it was a new departure on the part of the Government which would be productive of satisfactory results.

MR. MACFARLANE (who rose amid cries of "Agreed!") said, that hon. Members would only prolong the discussion by interrupting him. He was not in the habit of taking up the time of the Committee needlessly. All he wished to state was that the suggestion of the Prime Minister to associate a barrister with the Resident Magistrate in Ireland would be incomplete unless the barrister appointed was a non-resident in Ireland at the present time. He thought it would be an advantage if, in an exceptional matter of this kind, an Englishman was appointed instead of an Irishman.

THE CHAIRMAN wished to point out that the hon. Member was now discussing a question which would be better raised upon Clause 19.

MR. CHARLES RUSSELL intimated that he was perfectly willing to withdraw the Amendment.

THE CHAIRMAN: Is it the pleasure of the Committee that the Amendment be withdrawn?

MR. HEALY said, that, before it was withdrawn, he wished to say that he presumed the Government only intended the clause to apply to agricultural holdings, and not to tenements in Dublin and places of that kind. He thought it would be necessary to limit the operation of the clause. He did not see why the class of tenements in Dublin should have all the powers which were given by the clause, and he would, therefore, suggest that it should be limited to holdings connected with agricultural and pastoral land.

LORD EDMOND FITZMAURICE said, that, looking at the question from a landlord's point of view, he could not see that anything but forcible possession was aimed at. If he could have forseen that the clause was aimed at anything else, he should have voted against the sub-section. He thought the Government had acted wisely, and he rejoiced that they had agreed to add words to make it perfectly clear.

MR. GIBSON said, he did not intend to criticize what the Prime Minister had just said; but he must point out that the proposal of the right hon. Gentleman would necessitate some further alteration in the drafting of the Bill. The limitation of six months would now be out of place, and he was not quite sure as to the propriety of retaining the words "without the consent of the owner." The earlier words, however, would be plainly out of place.

MR. MARUM wished to ask the Attorney General for Ireland, before the Amendment was withdrawn, how it was proposed to deal with cases which raised the question of title, such question being out of the jurisdiction of the magistrates in Petty Sessions?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, in reply to the question of the hon. Member for Wexford (Mr. Healy), that he saw no reason why there should be any limitation of the clause to agricultural holdings; the object was simply to make an offence punishable summarily which was at present punishable by indictment. The Government were willing to strike out the words "without the consent of the holder." Those words were drafted in the clause with the intention of expressing what would probably be more correctly expressed by the word "forcible." The words which the Prime Minister proposed to introduce into the sub-section would make it still an ordinary and well-known offence of forcible entry or forcible retention. In regard to the six months, he differed from the views of the right hon. and learned Gentleman (Mr. Gibson), and he should not be disposed to alter that part of the clause at all. As the law at present stood, there was no limitation of six months for an application to a Criminal Court for redress where a man took forcible possession of a house or forcibly retained it. But they were now constituting a new tribunal, with a summary mode of proceeding, instead of proceeding by indictment, and he thought it would be better to retain the limitation, which was calculated to meet the exigencies of the case.

Mr. T. P. O'CONNOR said, he could not see much force in the argument of the right hon. and learned Attorney General for retaining the power of inflicting six months' imprisonment.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, the hon. Member for Galway (Mr. O'Connor) had entirely misunderstood the point. It had nothing to do with six months' imprisonment, but simply to the limitation of the period within which the writ of possession should hold good.

Mr. HEALY presumed that if a man made restitution and paid the rent, he would not come within the operation of the Act. As the clause now stood, it applied to a man who took or held a house or land without the consent of the owner; but the tenant might put himself right by paying the rent and costs.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, the proposition of the Prime Minister was to substitute the words "forcibly takes or holds possession," instead of the words "without the consent of the holder."

Amendment, by leave, *withdrawn.*

Mr. GIBSON said, he did not think his right hon. and learned Friend the Attorney General for Ireland realized the importance of the Proviso relating to six months. When the Prime Minister, in his speech, pointed out that he desired merely to deal with the old, familiar, and existing system of taking forcible possession, he understood the right hon. Gentleman to propose to introduce those words without qualification, merely providing that it should be an offence which might be dealt with summarily. The statement of the Prime Minister was perfectly intelligible. He was merely taking up the old offence, which all of them were familiar with, of forcible entry, and that hitherto had been an offence triable at Quarter Sessions before a jury. But if these words were now taken out of the Bill, only a mutilated offence would be retained, and the law might be evaded in the readiest and most obvious way. A man would have nothing to do but to wait for the expiration of six months, and then he might go and take forcible possession with absolute impunity. As the Bill stood, after the expiration of six months, it would be impossible to take a man who committed this offence and get him punished summarily before a magistrate; but the case would have to be dealt with by the more expensive proceeding of a regular trial before a jury, who would be sure to disagree as to a conviction. Now, that was an obviously inconvenient method of dealing with the case. He had put an Amendment on the Paper to substitute 12 months instead of six; but he had no bigoted feeling in favour of this Amendment, and he was willing to give it up, and accept the proposal of the Prime Minister, provided the words "six months" were left out of the clause. But he certainly thought it would be desirable, when the clause was altered in accordance with the suggestion of the Prime Minister, that all reference to any period should be omitted. There was another reason why this Amendment should be pressed. Everybody acquainted with Ireland knew that the tenant evicted for non-payment of rent had a period of six months for redemption. Those six months held good from the date of the execution of the writ; but the landlord during that period could not deal with the possession of the farm, nor look upon it as his own. He could not make a new lease, nor a new letting, nor look about for a new tenant, and the farm, in the meantime, would be deteriorating. The possession by the landlord only amounted to a very uncertain kind of seizure, because at any moment within the six months the tenant could redeem the farm. [Mr. MARUM: Yes, by payment of the rent and costs.] The dispossession could only be for non-payment of rent. He was dealing with a class of cases where there was a power of redemption extended over a period of six months; and it was a very important period, because it was only at the end of the six months that the landlord would be able to look about for a new tenant, and it was that very important period—namely, when a landlord was about to make a new letting—that rendered him so unpopular in Ireland; and yet that was the very period which the clause took, by this limitation, for freeing the tenant from the terror of summary jurisdiction and for insisting upon the farm being left vacant. He was afraid it would only increase the evils against which the Bill was directed. He hoped that fact would be clearly realized; and he trusted that the Government would consider the matter before the Roport, with a view to placing it on a fair and satisfactory footing. If they would give him a promise to that effect, he would be perfectly satisfied, and would at once resume his seat. He had no desire to insist upon the particular figure he had selected of 12 months. All he said was that six months would free the tenant who desired to resume possession from the terror of the summary jurisdiction provided by the clause; and, in the present state of Ireland, that was a most desirable thing. He thought it would be better either to take away all reference to periods, or to take some other period more extensive than six months — eight, nine, or ten months, if they liked; but it would be most unwise to free the tenant the very moment a new letting might be made. He begged to move the Amendment of which he had given Notice, to leave out "six," and insert "twelve."

Amendment proposed, in page 3, line 32, to leave out the word "six," and insert the word "twelve."—(*Mr. Gibson.*)

Question proposed, "That the word 'six' stand part of the Clause."

MR. LALOR said, the right hon. and learned Gentleman had given no adequate reason why the penalty should be increased from six to 12 months' imprisonment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the hon. Member was falling into the same error as that which the hon. Member for Galway (Mr. T. P. O'Connor) fell into a short time ago. The question had nothing to do with the penalty at all. In regard to the Amendment, he would consider the suggestion made by his right hon. and learned Friend between the present time and the Report; but he would assure his right hon. and learned Friend that "six months" had not been put in the clause without serious consideration.

MR. GIBSON said, he was quite satisfied with the promise of the Attorney General for Ireland, and he would withdraw the Amendment.

MR. LEAMY said, that since the right hon. and learned Attorney General for Ireland had undertaken to consider this point, he would venture to make another suggestion—namely, that if the tenant who took forcible possession of a house or land within a period of six months after the execution of a writ of possession was to be punished with six months' imprisonment with hard labour, the landlord should also be punished if he burnt down or otherwise damaged the tenant's property. Within a period of six months, if the tenant paid the rent and costs, he was entitled to resume possession of the land which had been taken from him, because he had an equity of redemption. The right hon. and learned Gentleman admitted that during those six months the landlord could not deal with the farm as his own; but the right hon. and learned Gentleman must be aware that in frequent instances the landlord and his agents had burnt down the house of the tenant during that period of six months. They were now going to punish, by six months' imprisonment, the unfortunate tenant who, tempted by want of shelter, poverty, and cold, went back to his own home; while they left the landlord at liberty to burn the house which was the tenant's home, consecrated by the memories, perhaps, of his childhood, and which might become his home again. He hoped the Government would consider the propriety of introducing some provision into the Bill to restrain the landlord and his agents during that period of six months either from burning the house or damaging the property.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, the law at the present moment was, that if during that period of six months the landlord did anything to injure the property, the tenant would be able to recover a good round sum of money in the shape of damages, which would enable him to build a new house.

Mr. LEAMY said, the tenant might not have sufficient means to enable him to proceed against the landlord.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, that, at all events, the landlord had no legal right to take such an extraordinary step.

Mr. O'KELLY wished to know if the right hon. and learned Attorney General could give an instance where a landlord had been punished for burning the house of an evicted tenant? Such a case had frequently occurred; but he had never heard of the landlord being punished. If he could be punished criminally, why was he not arrested by the police and proceeded against?

Mr. T. P. O'CONNOR said, that under this Bill, if the tenant did any injury to the property of the landlord, he could be punished criminally; but if the landlord did anything to the property of the tenant, he must be proceeded against civilly. He did not look upon that as equal justice; and he wished to add that if the Government made any further concessions to the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), he (Mr. O'Connor) and his Friends would give a most strenuous opposition.

Mr. PARNELL said, he was glad that the Government were coming round to the Common Law definition of forcible entry which prevailed in England. He trusted that between the present time and the Report, or on a subsequent clause of the Bill, they would consider the propriety of limiting the punishment to be inflicted by the magistrates to imprisonment without hard labour. It was a well-known fact that the law with regard to forcible entry differed very much in severity in Ireland from what it was in England. In England they had to depend upon the Common Law for the power of punishing the offence of forcible entry; whereas, in Ireland, it was treated under one of the Whiteboy Acts.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, the hon. Member was quite mistaken.

Mr. PARNELL understood that the offence was dealt with by one of the Whiteboy Acts passed in the Reign of George III.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) remarked, that the offence came under a Statute of Richard II.

Mr. PARNELL said, the right hon. and learned Gentleman was able to go further back upon the law of the question than he was; but he had always understood that it was one of the Whiteboy Acts.

Mr. MARUM: It is the 26th of George III.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) dissented.

Mr. PARNELL said, that when lawyers differed, he felt himself obliged to retire from the scene. The Attorney General for Ireland maintained that the offence was punishable under an Act of Richard II.; whereas, his hon. and learned Friend the Member for Kilkenny (Mr. Marum), whose knowledge of law was very extensive, maintained that it was punishable under an Act of George III., which was one of the Whiteboy Acts. Personally, he was willing to leave the matter there. It was not dealt with by the Statute of Edward III., of which they had heard so much recently in regard to the refusal to supply provisions. What he wanted to get at was this. That this offence, when it was committed in England, was punished by imprisonment without hard labour; and he trusted that by the time they came to the clause dealing with punishments under this Act, the Government would be able to announce that they had decided, in reference to the offence of forcible entry, having regard to the fact that the cases would be disposed of under the summary jurisdiction of the magistrates, to dispense, at any rate, with hard labour.

THE CHAIRMAN wished to point out that the only question before the Committee was the withdrawal of the Amendment. The discussion was becoming too general.

MR. BIGGAR remarked, that before the Amendment was withdrawn he wished to submit one or two observations in reference to the conduct of the landlords.

THE CHAIRMAN said, he had already pointed out that the only question was the withdrawal of an Amendment to substitute 12 months for six. General remarks of this kind would be more regular afterwards.

Amendment, by leave, *withdrawn.*

MR. MOLLOY said, the next Amendment stood in his name; but it would not be necessary to move it until the exact words of the proposal of the Prime Minister were placed before the Committee. His proposal was to substitute "due execution of the writ" instead of "the execution."

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the word "due" would not be required now. The sub-section would now run—

> "Within *six* months after the execution of any writ of possession or decree for possession of any house or land, forcibly takes or holds possession of such house or land, or any part thereof."

The clause would stop there, omitting the words "without the consent of the owner."

MR. MOLLOY said, those words would cover everything he wished to meet, and, therefore, he would not move his Amendment.

MR. P. MARTIN said, it struck him, that although the Government Amendment covered the word "takes," they ought to have the word "forcibly" also before "holds," or to insert the word "forcible," as in the old Act, before "possession."

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, it would not be necessary to repeat the word "forcibly," because he intended to insert the word "forcible" before the word "possession."

MR. P. MARTIN said, the word "forcible," in that case, would cover both "takes and holds."

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the clause would run—"takes or holds forcible possession." He moved an Amendment to that effect.

Amendment proposed,

> In page 3, line 34, before the word "possession," insert the word "forcible." — (*The Attorney General for Ireland.*)

Question, "That the word 'forcible' be there inserted," put, and *agreed to.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he now proposed, at the end of the same line, to omit the words "without the consent of the owner."

Amendment proposed,

> In page 3, line 34, to leave out the words "without the consent of the owner."—(*The Attorney General for Ireland.*)

Question proposed, "That those words be there omitted."

MR. PARNELL asked, what was the absolute necessity for leaving the words out?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, they were mere surplusage now, as the word "forcible" fixed the character of the offence.

Question put, and *agreed to.*

MR. MARUM said, the first Amendment which stood in his name—namely, after "takes," to leave out "or holds," and insert "forcible," had been disposed of by the insertion of the word "forcible" before "possession." His second Amendment, which was to substitute for "without the consent of the owner" "against the consent of the owner," was also disposed of. He had, therefore, to move now—

> In line 35, before the word "or" to insert the words "Provided, That no question as to title to lands, tenements, or hereditaments, or any interest therein, or accruing therefrom, or as to any irregularity of legal procedure in the eviction or execution arises, or any devolution of the occupancy or tenancy, or ownership interest in the premises, takes place within the said period."

He had copied the first portion of this Proviso from the Petty Sessions Acts. By those Acts, the jurisdiction of the magistrates was ousted whenever a question of title arose, and for a very good reason—namely, that it was incompetent to try an action for ejectment in a Petty Sessions Court, or to make use of a criminal course of procedure in order to effect a civil object. That would be an extremely objectionable course; and, therefore, a saving clause was inserted in the Petty Sessions Act, and in the General Consolidation Act of the 24 & 25 *Vict.*, the 46th section of which contained a saving clause, which he had merely copied in this Proviso. The next part of the Proviso made provision in a case where—

> "Irregularity of legal procedure in the eviction or execution arises, or any devolution of the occupancy or tenancy, or ownership interest in the premises, takes place within the said period."

He thought that was a matter which ought not to be left to the jurisdiction of a Court of Petty Sessions or the stipendiary magistrates. A case of this kind arose only the other day. It was a case of an ordinary tenancy from year to year. On the death of the owner, the occupancy descended to the wife and children; but when the administration of the property was undertaken, it was found that there was no will, and it was doubtful who was the tenant. The landlord served a writ, got execution upon it, and sold up the tenancy in the name of the son. The mother, however, claimed it as her property. The son came to him (Mr. Marum) to know what he was to do; and, ultimately, the case was settled. He merely mentioned it to show that such a case could arise. It really was the case of the property of one person being sold for the debts of another. It was a most inconvenient matter that questions of title of any kind should be adjudicated upon, especially by a stipendiary magistrate. Therefore, his proposal was that questions of title should be removed from the jurisdiction provided by the clause, together with any devolution of the occupancy or tenancy, or ownership interest in the premises. They made it penal for the tenant to take forcible possession within six months of the execution of a writ of possession. But supposing a case of property devolving by the death of the owner upon the next-of-kin, and there were two heirs-at-law, there would be two parties claiming an interest in the property; and how would the tenant know with whose consent he was holding the premises? At the death of the landlord, the consent of the landlord would have ceased; but to which of the two heirs-at-law was he to be subjected? The tenant could not know whose consent he was to obtain. Therefore, when the question of the devolution of ownership arose in a case of this kind, involving a question of title, he thought it was too much to give the power of jurisdiction to a stipendiary magistrate, and enable him to determine who was the owner, so as to say whether the act of the tenant was with the owner's consent or not. The same thing would apply in regard to the tenancy. If a tenant got into possession and died within the six months, a question might arise as to the legal representative of the tenant, and it would be most inconvenient to have that question adjudicated upon in a summary way by a stipendiary magistrate. He therefore proposed that in all cases where complicated questions of title arose, the power of adjudicating at the Court of Petty Sessions should be removed. He thought the consent should be a continuous consent, and that it should determine with the death of either of the parties. He failed to see how a tenant could be dealt with by a criminal process of this kind in a case where a question of title was raised; and it was with a view to obviating that kind of inconvenience that he proposed the insertion of this Proviso. He did not know whether the Government would consent to accept it; but he hoped they would be willing to do something to remove the difficulty; and he would leave the Amendment to the consideration of the right hon. and learned Gentleman the Attorney General for Ireland.

Amendment proposed,

In page 3, line 35, before the word "or," insert the words "Provided, That no question as to title to lands, tenements, or hereditaments, or any interest therein, or accruing therefrom, or as to any irregularity of legal procedure in the eviction or execution arises, or any devolution of the occupancy or tenancy, or ownership interest in the premises, takes place within the said period."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the Government could not possibly accept the Amendment, and for this reason—because no question of title could arise under the clause. The Superior Court would have to determine every question of title; the Court would have given its judgment, and all that the Inferior Court, acting under the Act, had to do was to protect the person placed in possession by the writ or decree of the Superior Court.

MR. MARUM asked, what was to be done if either of the parties died?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that if either of the parties died, new rights would arise and would be met in the same way. If after the execution of the decree of the Superior Court, possession was forcibly interfered with, the tribunal named by the Act could deal with the offence. If the parties died and new rights arose, they must, of course, be argued in the High Court of Justice, a decree obtained, and possession taken before this sub-section came into operation.

MR. HEALY said, he wished to know how a case similar to that of Mr. H. Blake would be met? Mr. Blake, at Stradbury, took forcible possession of some premises by presenting a revolver at the head of a bailiff; and when he was brought up at the Petty Sessions, he said he was the owner of the property. The question was one of disputed title; but Mr. Blake constituted himself judge in the matter. Now, would such a person as Mr. H. Blake, who might be a magistrate, and constituted a judge of facts, be a fit person to carry out the provisions of this subsection? It was important to know exactly what the Government intended to do. He thought the case of Mr. H. Blake formed an excellent precedent, and there was much reason to fear that if a bad example were set by the magistrates, it was likely to be copied by the people.

MR. MITCHELL HENRY said, the hon. Member for Wexford (Mr. Healy) knew very well that the case of Mr. Blake had nothing to do with the matter. No decree had been made by any Court as to the possession of the property in Mr. Blake's case, and it was a question of disputed title. The object of the remarks of the hon. Member could only be to blacken the character of Mr. Blake; and he strongly objected to the hon. Member making statements, affecting the character of individuals, which were totally devoid of foundation. What took place in the case of Mr. Blake was this. The testator died, and he (Mr. Blake) believing that this portion of the property belonged to him by right, took possession of it. If a decree had been made by any Court, and then Mr. H. Blake had taken possession of the property in defiance of that decree, he would have been punished.

MR. PARNELL said, he thought the Government ought to give way upon this Amendment. He could not imagine that any mischief would arise from doing so, as it was a matter of notoriety that Courts of Petty Sessions did not entertain questions of title. If, on hearing a case, they discovered any question of title was involved, they dismissed it at once. But, in this case, the Government proposed to constitute a Court which would be able to entertain questions of title. The clause ran in this way—

> "Within *six* months after the execution of any writ of possession or decree for possession of any house or land, if any person takes or holds forcible possession of such house or land, or any part thereof, he shall be guilty of an offence against this Act."

But, instead of presenting the case to the jury, it was proposed to submit it to a Court of Summary Jurisdiction. The jurisdiction thus conferred would practically constitute the Court the judges of what was the due execution of a writ of possession, and, practically, a very large variety of cases would be taken out of the hands of the Superior Courts. He submitted that in cases of this kind, which involved principles of law of great intricacy, they ought not to interfere too hastily or too rudely with old-established rights, and give the stipendiary magistrates this very extensive jurisdiction. It was very evident that Mr. Blake, to whom reference had been made, and who was a very fair example of the type from whom stipendiary magistrates would be made, for the purpose of enforcing this clause, if chosen, would not be a fit judge of questions of title, or whether a writ of possession had been properly executed or not. According to the admission of the hon. Member for the County of Galway (Mr. Mitchell Henry), on one occasion Mr. Blake considered that it was a proper method of taking possession of property in regard to which the ownership was disputed by presenting a revolver at the head of the person in charge of it.

Mr. MITCHELL HENRY: I never said anything of the kind, and I never mentioned anything as to the propriety of Mr. Blake's proceedings.

Mr. PARNELL said, the hon. Member had certainly disputed the contention of the hon. Member for Wexford (Mr. Healy) that the method of Mr. Blake, in proceeding with a revolver to take forcible possession of the premises, was contrary to law. He (Mr. Parnell) understood Mr. Blake's defence to be that he found the key in the door and entered without force. But if Mr. Blake considered that this practice of threatening the person in charge with a revolver was the proper way to solve the question in regard to a disputed will, it was, to say the least of it, a very singular mode of proceeding. What guarantee had they that they might not have a stipendiary magistrate appointed of the same calibre? They might have a case like that of Mr. Keating, at Wood's Gift, who took possession of property without any process of law at all, and without any writ of possession. He (Mr. Parnell) thought it was of the utmost importance that Parliament should show the Irish Members that they desired to proceed in accordance with the process of law, and not with unnecessary haste of any kind. By putting this power of deciding a question of title in the hands of the stipendiary magistrates they would deprive the peaceable subjects of Her Majesty in Ireland of all the guarantees they now enjoyed.

Mr. MITCHELL HENRY said, the hon. Member for the City of Cork (Mr. Parnell), with all his ingenuity, would not succeed in fastening upon him (Mr. Mitchell Henry) a statement which he had not made. He had said nothing about the validity of Mr. Blake's act, and he had expressly stated that he did not excuse Mr. Blake. All he had said was, that that which was introduced as an analogous case was not an analogous case at all. There had been no decree of possession whatever; no steps had been taken by the Superior Court; and in such a case this section would not come into operation at all, seeing that it only applied to a case in which a decree had been made. If the hon. Member for the City of Cork had been attending to his duty a little earlier in the day, he would have heard the Prime Minister state that it was the intention of the Government to associate the local magistrates—whether Mr. Blake or anybody else—with a barrister, in order to carry out the provisions of the Act legally and properly.

Mr. PARNELL remarked, that, as regarded his non-attention to his duty, he could only say that he entered the House before the hon. Member for Galway (Mr. Mitchell Henry); and at the time it was supposed that he was not attending to his duty, he was in the Library hunting up the Acts bearing on the question of forcible possession. If he might be permitted to form an estimate of the candour of the hon. Member for Galway, and of the hon. Member's love of truth—[*Cries of* "Question!" *and* "Order!"]

The CHAIRMAN: These personal recriminations are certainly out of Order.

Mr. PARNELL denied that he had made any personal recrimination against the hon. Member for Galway. He had not been permitted to proceed with his sentence, and he would respectfully claim the permission to do so before the Chairman proceeded to pass judgment upon him.

Mr. WARTON: Oh!

Mr. SEXTON rose to a point of Order. His hon. Friend the Member for the City of Cork (Mr. Parnell) had been openly attacked, and he wished to know if the hon. and learned Member for Bridport (Mr. Warton) was entitled, by continual interruption, to interfere with his hon. Friend when he was replying to a personal attack?

The CHAIRMAN: The discussion has been going backwards and forwards to the case of Mr. Blake, which has no reference to the question before the Committee, and is merely wasting the time of the Committee. It is altogether out of Order.

Mr. P. MARTIN said, that he did not intend to enter into the Blake controversy; but he wished to say a few words, in the hope that they might induce the Committee to give a favourable consideration to the Amendment. What was the purport of the Amendment? It was that if there was a *bonâ fide* question of title raised before the stipendiary magistrate, his jurisdiction should be ousted. That was really the sum and substance of the Amendment which had been put upon the Paper by his hon.

and learned Colleague in the representation of the County of Kilkenny (Mr. Marum). It might be contended the insertion of these words was unnecessary. In a Bill of this character, however, and having regard to the powers proposed to be vested in these tribunals, it was desirable the question should be freed from doubt, and made clear in the Bill. No doubt, as had been said by the hon. Member for Galway (Mr. Mitchell Henry), a statement had been made by the Prime Minister that the stipendiary magistrate would have legal assistance. That statement was of a very vague character. It was in no way indicated what were to be the qualifications of those legal assessors, or in what manner or on what occasions they were to give their aid to the magistrates. It might be said that they were raising questions which were not often likely to arise; but he thought that questions of this kind might not unfrequently come before the magistrates. Hon. Members knew very well that in taking possession of land questions frequently arose as to the boundaries. Very often a writ went down directing the Sheriff to take possession of certain property, and the tenant claimed a right, under the Statute of Limitations, to certain portions of it, and contended that they were excluded from the operation of the writ. In such a case a *bonâ fide* question of title would arise. The tenant might say—"I am your tenant for 16 acres, but you have no right to an additional five acres, and, therefore, I shall continue holding the land." There, at once, a question of title arose. But if they passed this section as it stood, the tenant would, under such circumstances, be subjected to the summary jurisdiction of the stipendiary magistrates. He entertained no unfriendly feeling for the Irish magistrates as a body. Many of them had, he considered, been unreasonably assailed. At the same time he should be most unwilling to see matters left to the arbitrary decision of any magistrate. There was an old but a very true saying—"The discretion of the Judge is the law of tyrants." The local magistrates, who must be prejudiced to a great extent, in consequence of mixing with a particular class of persons in Ireland, would inevitably be biassed in favour of the landlords; and it was, therefore, important that Parliament should safeguard this Act in every possible way. He wanted to know from the Government if it was not their intention that the magistrates should be restrained from adjudicating in any case in which a *bonâ fide* question of title arose? If it was, why not accept the Amendment, and place the matter beyond all doubt.

MR. LALOR said, he wished to put this case. Suppose the tenant, who had been put out of possession for two or three months, went and offered the rent to the landlord, that the landlord refused to accept it, and that thereupon the tenant went back, broke down the door, and took possession of the house and land. Would they have that man sent by the magistrate to gaol for six months for taking possession of the farm, after having offered the full rent and costs? He was acquainted with a case in his own neighbourhood in which this actually occurred last October. The tenant had been out of possession for five months, but his period of redemption amounted to six months. Just before the period of redemption expired, the landlord deliberately left the place, and went out of the country, and the tenant, not being able to find him, was not able to pay the rent. When the landlord came back, a week after the time had expired, he claimed the right to keep possession, and the tenant was therefore deprived of his right of six months' redemption. He (Mr. Lalor) thought that, in this and in similar cases, it was most unjust to deprive a tenant of his power of redemption.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, it was a singular thing how a case of that kind could have occurred. It was utterly illegal from beginning to end. Where the tenant was prepared to pay the rent and costs to the landlord, there was an easy way of arriving at a solution of the difficulty. All he had to do was to lodge the money in Court, and if the landlord refused to give up possession the cost of re-instating the tenant in possession would fall upon him.

MR. LALOR said, the tenant might not have more money than was sufficient to pay the rent and costs. After doing that, he might have nothing left to pay the lawyer.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that any lawyer would have readily taken up such a case for him.

Mr. PARNELL asked if the Government would have any objection to simplify the proceedings, and, instead of compelling a tenant to go to Dublin under Dease's Act, which required him to lodge the money in Dublin, to enable him to lodge it in the Magistrates' Court, or the County Court where the ejectment had been obtained? It might simplify the proceedings if, under the Bill, the money were allowed to be lodged in the Magistrates' Court.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, that would be, of course, entirely foreign to what they were dealing with in the present instance. At the same time, he thought the suggestion was not an unreasonable one to carry out in any Bill dealing with the relations between landlord and tenant. He would be the last person to wish to deprive the tenant of facilities for re-possessing himself of his holding.

Dr. COMMINS said, he wished to point out that the case which had been put by his hon. Friend the Member for Kilkenny (Mr. P. Martin) was not at all an imaginary one. Last week he had a letter from a constituent of his own from the county of Roscommon. In that case the landlord was resident in England, and was not accessible. The tenant held a small farm of five acres, and upon that small farm his residence was fixed. He had paid his rent up to the day, but he had another farm considerably larger, upon which he had allowed the rent to get into arrear. For the arrears on the second farm a writ of ejectment was obtained, and the Sheriff, acting under the writ, went down and evicted the man from both. The tenant put the case to the Sheriff, and told him he had no writ against the small holding, in regard to which the rent had been duly paid; but the Sheriff stated that he had no alternative but to carry out the writ in reference to both holdings. Accordingly, he evicted the man and locked the door upon him. Now, it would be a very hard case indeed if that man, going back to his own house for shelter, broke down the door and took possession, and then was sent to prison by a magistrate for six months under the provisions of this Bill. He hoped the Government would introduce some guarding words into the clause, in order to prevent the hardship complained of.

Question put.

The Committee *divided*:—Ayes 37; Noes 244: Majority 207.—(Div. List, No. 132.)

Lord GEORGE HAMILTON said, before he moved the Amendment standing in his name, he wished to add the words "or for county cess." The subsection, if his Amendment were adopted, would run thus—"or rescues any cattle or goods seized under any decree or for county cess." The reasons in favour of this Amendment were obvious. The clause, as it stood, proposed to deal with certain offences, but there was an obvious omission in respect of the offences to which his Amendment referred. Anyone who studied the history of the disturbed districts in Ireland during the last two years would know that there was nothing more common than combinations for the rescue of cattle or goods seized under the decree of some competent Court. There was this great disadvantage connected with the rescue of cattle or goods seized under the decree of a Court, that the authorities, in order to prevent the success of such attempts, were obliged to move large bodies of police and soldiers about the country for preventive purposes; the men, under these circumstances, being brought away from their duties, and also being brought into contact with excited mobs, which frequently gave rise to riot. The tendency which existed in Ireland to refuse to pay rent applied also to the rates made at county cess. The Government had in certain instances advanced money to the occupiers of land—for instance, the money advanced under the Seeds Bill—and the moneys recoverable were placed in the hands of the person who collected the county cess, and who was met with the same objection to pay as existed in the case of rents. Therefore, he thought, as they were dealing in this clause with matters relating to the tenants, it was well that they should take special notice of these particular offences, and make it very clear that where any attempt occurred forcibly to rescue cattle or goods, or resist the county cess, they should be dealt with by a Court of Summary Jurisdiction. Without detaining the Committee at greater length, he trusted, for the reasons he had advanced, the Government would agree to this obvious improvement of the clause.

Amendment proposed,

"In page 3, line 35, after the word "or," to insert the words "rescues any cattle or goods seized under any decree or order of the county cess."—(*Lord George Hamilton.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, Her Majesty's Government did not see their way to accept this Amendment, inasmuch as they had not found it necessary to take special powers for the purposes suggested. They found they could deal with the cases as they arose under the ordinary law without any need of special jurisdiction. The matter had not been overlooked by the Government. With regard to the county cess, as a general rule, when an order was made it rested with the Constabulary to carry it out, and he believed that the money had been generally recovered. The Government, however, did propose to make a slight alteration in the existing law; and in the last sub-section of this clause it would be seen it was made an offence, under this Act, to commit an assault upon any constable, bailiff, or process-server. It was the intention of the Government to extend that to other officers of the Court, and they believed that this alteration would meet the necessities of the case.

MR. J. LOWTHER said, he would naturally hear with pleasure the statement of the right hon. and learned Attorney General for Ireland, that he was able to deal with the evil complained of by his noble Friend (Lord George Hamilton). He should, however, have been more satisfied if he could share the confidence of the right hon. and learned Gentleman as to the capacity of the Government, under the existing law, to deal with the very serious evils to which his noble Friend had alluded. His noble Friend asked Her Majesty's Government to admit words which would distinctly lay down that the rescue of cattle or goods should be an illegal act. He could not understand how the right hon. and learned Gentleman could say that this evil did not exist. Although his sources of information were no longer official, he had constantly before him accounts and reports of these acts, and as long as those accounts continued to fill the columns of the Press, he thought it was a matter to be deprecated, that the Government should not avail themselves of every means suggested to them for the purpose of putting down the evil complained of.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON): I said we were able to deal with them sufficiently by the ordinary law.

MR. SYNAN said, the argument of the noble Lord and the right hon. Gentleman who had just spoken, was that summary jurisdiction should be applied to every act committed in Ireland. Nothing was to happen in Ireland that was not to be thrust into this Bill and subjected to summary jurisdiction. But, for his own part, he was unable to see why offences perfectly well triable by the ordinary law, should be sent to a summary tribunal. Besides, questions of law might be raised in case of seizure of goods or cattle which the Court of Summary Jurisdiction would be unfitted to deal with. For instance, there might be a dispute as to ownership, or, again, a seizure might take place of cattle grazing on the land of a person who was not the owner, and it appeared to him most improper that such a case as this should go for decision before a summary tribunal. For these reasons, he hoped the noble Lord would withdraw his Amendment.

MR. SEXTON said, he was glad the right hon. and learned Attorney General for Ireland had met this Amendment by reference to the actual facts of the case. There had been seizures of cattle some years ago in Ireland; but in the summer of last year the Irish Executive had adopted the course of warning the people against attending Sheriffs' sales, and the consequence had been that those sales were now conducted in the most peaceable manner—no breach of the law of any kind now occurred in connection with them. So far, then, as the offence which the noble Lord hoped to include in the Bill was concerned, he claimed that it had entirely disappeared from Ireland, and he thought it most objectionable that hon. Members upon the Front Opposition Bench should join together in inaccurate representations with regard to the offences in question.

Question put, and *negatived.*

Mr. SEXTON said, he rose for the purpose of moving the omission of Sub-section (*c*). The crime of aggravated assault against the person was, by the Bill, triable by a special tribunal of three Judges. This sub-section also provided that the crime of aggravated violence against the person should be triable by summary jurisdiction. The result of this double provision would be that a person might be brought up and tried either by two magistrates or by three Judges constituting the Special Commission Court. Now, he was quite willing that they should be tried either by one or the other of these tribunals, but certainly not by both. Again, he contended that there was no reason whatever for removing the crime from the ordinary tribunals in Ireland, and in support of that statement he should again trouble the Committee with a reference to figures. He thought the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) would do well to examine the Returns relating to these offences, because it was his contention that this sub-section was only based on false pretence and false assumption. In the year 1880, there were 87 cases of assaults endangering life; of these 46 were brought to trial, and out of those 46 cases 17 convictions resulted. Now, he said that these 17 convictions bore a very reasonable proportion to the number of trials. This proportion would bear a favourable comparison with the convictions of the same offences in England; and he hoped the right hon. and learned Gentleman the Member for the University of Dublin would not pretend in this case, as he had done in others, that the number of convictions was apparently large, because the actual number of offences was not stated. Again, in ordinary assaults the number was 131, and the convictions amounted to one in every three cases brought to trial. He did not expect the Home Secretary to give a satisfactory or an intelligible answer to these arguments in favour of the omission of the clause; but he would like to hear the Attorney General for Ireland, who might be supposed to be acquainted with the affairs of Ireland, offer some explanation as to why the Government resolved to have this double jurisdiction in the cases mentioned in the sub-section. In the year 1880, out of 87 cases of assaults, there were 17 convictions; in 1881 there were 127 cases and 34 convictions; the proportion in the latter case being as one to three, whereas, in the previous year, the proportion was only one to five. He should imagine that if the Government found it necessary to resort to exceptional jurisdiction, and took away trial by jury, they would have been able to show to the Committee that the proportion of convictions to the number of trials had decreased; but he had been able to show the Committee that a very large increase in the number of convictions had taken place, and that the crimes themselves had diminished in number. In the face of these figures, he regarded it as an unprovoked insult to Irish juries to take away from them the trial of these offences, and bring them before a Court of Summary Jurisdiction. Again, the number of offences had also decreased. Last year there were 127 cases of assault; and up to the month of May in the present year, a period of five months, there were only 36, whereas, if the offences had kept upon the same level as in the previous year, there would have been 50 cases during the five months. There had, in fact, been a reduction of one-third in the number of offences during the period named. He had never listened to so shabby a case for withdrawing offences from the ordinary tribunals. The Government were constantly speaking of the preservation of law and order, and the supremacy of the Crown in Ireland; but was it not a fact that between 1870 and 1881 the number of convictions by juries for these offences had nearly doubled, and that the offences themselves had been reduced by one-third in number? He contended that there was a complete case made out for leaving these offences within the jurisdiction of the ordinary tribunals; and he trusted that in his reply the right hon. and learned Gentleman the Home Secretary would restrain his natural eloquence, and, in a spirit of inquiry, address himself to the facts of the case.

Amendment proposed, in page 3, line 36, to leave out sub-section (*c*).—(*Mr. Sexton.*)

Question proposed, "That the words 'or commits' stand part of the Clause."

SIR WILLIAM HARCOURT said, he was unable to agree to the Amendment. The whole of this matter had been discussed at great length on the 1st clause of the Bill. What the hon. Member for Sligo requested was, that aggravated crimes of violence should be left to trial by jury; but that the Committee had already decided could not be the case, and to pursue the question farther would be simply to renew the general controversy which had taken place over Clause 1. It was plain that these offences might be of different degrees of magnitude, and if the Amendment of the hon. Member were adopted, it would be necessary to put into operation the Special Commission Court to try offences which might be adequately punished by a Court of Summary Jurisdiction with six months' imprisonment. But the object of the sub-section was that offences which could be sufficiently dealt with by a sentence of two or three months' imprisonment should be brought before a Court of Summary Jurisdiction. This proposal was certainly not an unreasonable one; and he regarded it as being rather in favour of the accused person than otherwise. It was quite in accordance with our law that offences of the kind referred to in the sub-section, which were not of a very grave character, should be disposed of by summary jurisdiction, instead of at the Assizes.

MR. PARNELL said, the right hon. and learned Gentleman the Home Secretary had, as usual, raised a false issue in attempting to show that, if this subsection were rejected, they must fall back on Clause 1 for the trial of these offences. He (Mr. Parnell) submitted that this was not the issue at all. It was evident to him that the Government, in framing the Bill, did not consider that trial by jury had failed in respect of these offences. He failed to see why the right hon. and learned Gentleman had placed these offences in two clauses of the Bill.

SIR WILLIAM HARCOURT said, it was for the same reason that some offences were now triable, either at the Assizes or by a Court of Summary Jurisdiction—that was to say, because it was convenient to all parties. It would only be cases of violence against the person, almost approaching to murder, that would be dealt with under the 1st clause; the minor cases would be taken before a Court of Summary Jurisdiction.

MR. PARNELL said, he could not see that the analogy was in any respect perfect, because in the one case there was a trial by jury, and in the other there was not. He was still unable to see why the Government included these offences in both clauses of the Bill. The right hon. and learned Gentleman had pointed out that they were so included; but the only reason given was that, in certain cases of offences in England, and, of course, in Ireland, the Crown had the right of deciding them by summary jurisdiction, or bringing them before a jury. But, in this case, the Crown claimed the right of bringing them before a tribunal without a jury. Now, he suggested that if the right hon. and learned Gentleman would say that, on Report, he would give up the power of bringing those offences before the three Judges, Irish Members would, on their part, be willing to waive their opposition to their being inserted in the present clause, it being left to the magistrate to try them in the ordinary way. He submitted that this arrangement would give sufficient power to meet the necessities of the case; and, in view of the statistics quoted by the hon. Member for Sligo, which showed that convictions for these offences by juries were at least equal, if not greater, than the convictions of last year, he thought that arrangement should be adopted.

SIR WILLIAM HARCOURT asked the hon. Member for the City of Cork (Mr. Parnell) to consider that an aggravated crime of violence might be of so grave a character, that the punishment of six months imprisonment would be obviously inadequate. Take the case of mutilation. They might have cases of the most cruel mutilation of persons which would not be adequately dealt with by a punishment of six months' imprisonment. If, then, this crime, which came next to murder in point of heinousness, was to be dealt with adequately, it was necessary that the Crown should have the right of bringing it before a higher tribunal than one of summary jurisdiction. The various crimes enumerated in the Bill were arranged in regular order. It would not be reasonable to leave arson and attacks on dwellings to be dealt with by the higher tribunal, and at the same time to leave the aggravated crime of violence against the person to be dealt with in all cases by a Court of Summary Jurisdiction. He could not see that any harm or injustice would accrue by reserving the power to bring this crime before either tribunal.

COLONEL BARNE said, he thought the hon. Member for Sligo (Mr. Sexton) had forgotten some of the rules of arithmetic when he said that the proportion of convictions to crimes in cases of assaults was as one to three. The proportion was nearer one to four.

MR. MITCHELL HENRY said, he was strongly in favour of summary jurisdiction in cases of aggravated crimes of violence, and he wished that mode of dealing with them could have a greater application in Ireland than it had at present, because he was satisfied that as the magistrates were to have a legal element amongst them, justice would be done. Moreover there was sometimes great difficulty in getting a prosecution at the Assizes for aggravated assaults against the person. Cases of wounding on the way home from fairs were very common in Ireland, and it frequently happened that the clergymen and the friends of the accused in the neighbourhood endeavoured to prevent a prosecution. If the magistrates committed for trial the parties, their witnesses had, perhaps, to travel 50 miles, as was the case in Connemara, to the place where the Assizes were held, at great loss of time and at great expense. It therefore appeared to him that this offence would be put down with greater certainty by a speedy and moderate punishment of two or three months' imprisonment; and as he wished it to be dealt with effectively, he should support the clause, which appeared to offer the best means to that end.

MR. T. C. THOMPSON said, he thought the hon. Member for Sligo (Mr. Sexton) should withdraw his Amendment. He believed that prisoners, as a rule, preferred to be tried before an inferior tribunal; whereas, if this Amendment were adopted, they would be thrown upon the superior tribunal, where they would be tried at greater trouble and expense. In his view, it would be greatly in favour of the accused that he should be tried by a Court of Summary Jurisdiction.

MR. SEXTON pointed out that the right hon. and learned Gentleman the Home Secretary had not answered the principal argument he had used in favour of leaving out this sub-section. He had shown that trial by jury had not failed in these cases, and the right hon. and learned Gentleman had made no attempt to meet that fact. He gave him great credit for that. The Home Secretary had said there might be aggravated cases of crime against the person too serious to be brought before magistrates. Would the Government agree to insert in the clause the offences of cutting, wounding, and maiming? He believed that an imprint would cover all the cases likely to arise.

SIR WILLIAM HARCOURT said, he would consider whether that could be done when the Interpretation Clause was reached.

Amendment, by leave *withdrawn.*

SIR WILLIAM HARCOURT said, the Government proposed to omit the word "crime," in line 36, and substitute for it the word "Act," in order to remedy an oversight of the draftsman, and make the sub-section accord with the wording of the 12th line of the Interpretation Clause.

Amendment proposed, in page 3, line 36, to leave out the word "crime," and insert the word "Act" instead thereof. —(*Sir William Harcourt.*)

MR. PARNELL asked what was the meaning of the offence in law?

SIR WILLIAM HARCOURT said, they defined it to be an assault which caused bodily harm, committed with the intent to do grievous bodily harm.

Amendment *agreed to.*

MR. M'COAN said, it would not be necessary, after the discussion which had taken place on the Amendment of the hon. Member for Sligo (Mr. Sexton), for the omission of the last sub-section, to detain the Committee at any length in supporting the Amendment which he was about to move. It was only necessary to say that the arguments which the hon. Member for Sligo had advanced in favour of the omission of Sub-section (*c*) applied with still greater force to Sub-section (*d*). There might be reasons for retaining the former sub-section; but there were absolutely none, in his opinion, in favour of making the minor offences named in the latter sub-section punishable in the aggravated manner proposed in the Bill. It could not be contended that an assault upon a constable, bailiff, or process-server was one that it was necessary to deal with otherwise than by the ordinary law. It was an offence, from the consequences of which the person accused could not escape, owing to the absence of evidence, because the individual on whom the assault was committed would be the most competent of all witnesses, and on his evidence alone a conviction would be obtained. Therefore, the legal machinery for punishing an assault of this kind already existed in the Petty Sessions. He said that the effect of the sub-section was to invest policemen and others with something akin to the divinity which was supposed to hedge a king. It was monstrous that a minor offence, such as a knock-down blow, which, in the case of a farmer, would be met by a week's imprisonment, should, in the case of a policeman, bailiff, or process-server, be punished with six months' imprisonment with hard labour. It must be remembered that the police were always ready to interfere in any street row, or eviction, and to put a stop to the playing of street bands, and small matters of the kind; and it was only to be expected that they would meet with some disagreeable treatment under such circumstances. But if anyone should throw a handful of mud at a constable who so exposed himself, he would, under this Bill, be liable to six months' imprisonment with hard labour. Again, bailiffs were not the most conciliatory persons in the world, and were very often the cause of difficulties which were sometimes resented by the people in the neighbourhood; but under this sub-section, if a woman were even to throw an egg at a bailiff, she would be liable to the same punishment of six months' imprisonment. So, too, with process-servers; he supposed that nothing would be done in this way in future, where a process-server was concerned, that would not be construed as an assault, and dealt with by a punishment of six months' imprisonment. But this exaggerated application of the law was not only to apply to assaults on these persons when on duty; it would be applicable at all times and under all circumstances, and an ordinary bailiff coming from a public-house was, in the strict terms of the sub-section, invested with a personal sanctity. He contended that there was no reason why assaults upon persons of the classes referred to should be visited with this extreme punishment, and he believed that no sufficient case could be shown for retaining this sub-section in the Bill.

Amendment proposed, in page 3, to leave out Sub-section (*d*). — (*Mr. M'Coan.*)

Question proposed, "That the words 'or commits' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the Government were unable to accept this Amendment. The offence most rife in Ireland was that of attacking officers of the law. It was the intention of the Government to add to the sub-section words which the hon. and learned Member had pointed to as being absent—namely, "while in the execution of his duty." Now, the hon. and learned Member had based his case on the old story that a process-server should have a skull as hard as a stone, because they were more exposed to violent attacks than any other class. He was sure hon. Gentlemen opposite below the Gangway would agree with him in that matter. But the hon. and learned Member had forgotten that one of the most common offences which had existed from the earliest times was that of obstructing an officer of the law in the execution of his duty, and that the penalty attached to the offence was two years' imprisonment with or without hard labour. The Committee would see that the sub-section imposed a much more lenient penalty, and having regard to the necessity of protecting the officers of the law in the execution of their duty, he trusted the Amendment of the hon. and learned Member for Wicklow would not be pressed.

MR. T. D. SULLIVAN supported the Amendment, on the ground that the offences named in the sub-section were covered by the sub-section just passed by the Committee. That sub-section provided that any person should be brought within the scope of this Bill who "committed an aggravated act of violence against the person." No one would say that policemen, bailiffs, and process-servers were not "persons;"

and, therefore, he contended that the Government had sufficient power under Sub-section (*c*) for their protection. He thought it most unreasonable that any constable, bailiff, or process-server should be specially protected by the Bill, and would ask whether the ordinary law was not sufficient to cover these assaults? If it were not, then he said they were fully covered by the extraordinary sub-section which the Committee had just passed. Were they to suppose that the persons this sub-section was specially designed to protect were more precious than any other members of the community, or were ordinary mortals, so to speak, to be regarded as common clay, and policemen, bailiffs, and process-servers as blue china? For his own part, he was inclined to make a slight alteration in the lines of the English poet quoted by the hon. and learned Member for Wicklow, and to read them thus—

> " There's a divinity doth hedge a bailiff,
> Rough-use him how you will."

He could see no reason whatever for including in the Bill this special provision for the protection of these classes of persons, who ought, like the rest of the community, to take their chance under the ordinary law. It was simply absurd to make punishable in this exaggerated manner the assaults committed on constables, say, at the arrest of a drunken man, or in case of their interference with a street band, or anything of that kind. It was well known that in Ireland the police were constantly and needlessly interfering in the most irritating way, at times and places where their presence was not wanted at all. They were regarded in Ireland as an officious and meddling body of men; and it was notorious that their action in the case of quiet and peaceful assemblies was often the cause of riot and disturbance. It was only the other day that he asked a Question about the police having torn down a harmless and legal notice relating to the cutting of turf. That notice was torn down without the least justification; and, in reply to his Question whether there was any legal authority for the act, he was told there was not, and that the constable would be called to account. These were things of daily occurrence in Ireland; and he repeated that whenever the police interfered in their accustomed and irritating manner with little children, temperance bands, street quarrels, and such small matters, if the slightest assault were committed upon them the offender would now come within the scope of this Bill, and be liable to six months' imprisonment with hard labour. He was willing that these assaults should be dealt with, if necessary, under the preceding sub-section; but he protested against this special dignity, protection, and sacredness being conferred by the Bill upon constables, bailiffs, and process-servers.

Lord EDMOND FITZMAURICE said, the hon. Member who had just sat down wanted to know why police constables were to be treated as if they were blue china? He reminded him that, in the opinion of some persons, blue china was only valuable when it was cracked and broken, and that seemed to be the view of the hon. Member for Westmeath.

Mr. SEXTON said, he hoped the Government would give their serious attention to this Amendment, for he could assure the right hon. and learned Gentleman that no Amendment had been before the Committee during the discussions on this clause which deserved more consideration. He would point out to the Committee that this clause was founded upon agrarian offences, upon the hostility which existed between landlords, tenants, and labourers in Ireland; but it should be borne in mind that constables there had other duties to perform than those connected with agrarian matters and the collection of rents. His hon. Friend had pointed out that the Bill would revolutionize the law of the country. If an assault were made on a policeman in Dublin, this sub-section would deprive the person who committed it of the ordinary right of being brought before a jury, and render him liable to six months' imprisonment with hard labour on the decision of a magistrate—that was to say, the penalty for the offence would be very much increased. The Bill being based upon the prevalence of agrarian outrage, he was at a loss to see why ordinary assaults upon the police and other officers should come within the category of offences against the Act; and he would suggest to the right hon. and learned Gentleman the Home Secretary whether he could not insert these words—

> "On every minister of the law, where such minister of the law is engaged in any legal service connected with the tenure of land."

He asked the Government, by the adoption of these words, to make it plain that constables, except when engaged in such duties, were not more liable to assault than they were before the land agitation commenced. He claimed that this special jurisdiction should not apply, except where the officers of the law were engaged in legal service relating to the occupation of land. The hon. and learned Member for Wicklow (Mr. M'Coan) had said, with perfect truth, that the objections raised to Sub-section (*c*) applied with greater force in the present case. Let the Chief Secretary for Ireland pile heaps of Returns upon the Table of the House, and, whenever he possibly could, let him justify the Bill by referring to statistics; but he (Mr. Sexton) maintained that the offences which this sub-section professed to guard against had entirely disappeared. The right hon. and learned Gentleman the Attorney General for Ireland said they were now rife in Ireland; but was that statement confirmed by the Returns? In 1880 there were 49 cases of assault and 11 convictions; in 1881 there were 61 assaults and 27 convictions, a proportion which he claimed that Irish juries did not give in ordinary criminal cases. But how many assaults on the police had been committed in the present year—at a time when the Attorney General for Ireland described them as being rife? According to the Parliamentary Papers, extending up to the end of May—not one. Then, why was this sub-section brought into the Bill? He claimed that the juries in Ireland had convicted a larger proportion in the case of these offences than the juries in England, and he said that it was unreasonable on the part of Her Majesty's Government to blame the juries in Ireland for non-conviction, when, practically, there were no offences to convict for. The right hon. and learned Gentleman the Attorney General for Ireland might be able to find a reply to this argument which would appear satisfactory to himself; but he (Mr. Sexton) was bound to say that the argument appeared perfectly unanswerable. What was the case, then, with regard to assaults on process-servers during the present year? Here, again, the Government Returns refuted their own case. There had been two assaults on bailiffs in January, two in February, three in March, one in April, and none at all in the month of May. Those figures spoke for themselves, and to add one word to such an argument would be absurd. He would conclude his remarks in support of the omission of this sub-section by the assertion that its presence in the Bill was the very perfection of imbecility and wantonness.

MR. LABOUCHERE pointed out that "assault" was a very general term. He believed it was held to be an assault for one person to lay his hand upon another, or to shake his fist in another person's face. He could very easily imagine a person, who was being evicted by some cruel or harsh landlord, shaking his fist in the face of the constable engaged in the execution of that order, without any intention to assault the individual; and, therefore, he thought some qualifying words should be introduced into the sub-section. If words were introduced which indicated that serious harm or injury were necessary to bring a person within the scope of the clause, he thought that the sub-section would be far better than it was at present, for he believed the right hon. and learned Gentleman the Home Secretary would agree with him that, if the words in the sub-section were administered in the fullest manner by the stipendiary magistrates and others, a person innocent of the intention of assaulting an officer in the execution of his duty might, for simply shaking his fist in his face, be sent to prison for six months.

MR. CARTWRIGHT said, the hon. Member for Sligo had stated that the only acts which this Bill was intended to deal with were acts of agrarian outrage. Now, that was not the case, and every Member in the House must know that the 1st clause in the Bill embodied very different catagories of crime. It was difficult to understand how the hon. Member opposite, with all his powers of fallacy, could argue as he had done. The hon. Member for Sligo asked why constables and process-servers did not come under the sub-section which was intended to protect ordinary persons from outrage? But there was a special reason for this. The persons in question were servants of the law, appointed for special duties, and that being so, they were entitled to special protection. That, he believed, was the whole argument in favour of the sub-section, and he recommended it to the consideration of the hon. Member opposite, who was always so ready to draw a coach and four through this Bill.

SIR WILLIAM HARCOURT said, he could not agree with the hon. Member opposite that the position of Ireland was one which did not require a security of the kind provided in this sub-section. To limit its application to agrarian crime only would be on the part of the Government to show that they had entirely failed to understand what the condition of Ireland was. It was true that agrarian crime was to be regarded as a thing by itself; but the fact was that this agrarian agitation created in Ireland a disregard of all law; and if there were one thing more than another which it was the duty of those who brought in the Bill for the Prevention of Crime in Ireland to introduce, it was a provision which should give security to those officers who carried out the determination of the law. The hon. Member had stated that when the 1st clause was under discussion, he (Sir William Harcourt) had declined to argue the question raised upon figures and statistics. He was bound to say that he did not feel it his duty to resort to an argument of that kind in the present instance. But the hon. Member for Sligo himself had supplied a good reason why this sub-section should not be omitted from the Bill, because if the hon. Member was satisfied that these offences would never occur, he might console himself with the knowledge that this clause would never come into operation. With regard to the term "assault," the hon. Member for Northampton (Mr. Labouchere) had stated with truth that it was a wide one; but it was also true that in their endeavours to meet cases of this kind the Government were obliged to use general words. Under the existing law it was provided that where people assaulted or wilfully obstructed any officer in the due execution of his duty, or any person acting in aid of such officer, they should be punishable with two years' imprisonment. That was the law of England, and the wording he had given was just as wide as that to which the hon. Member for Northampton had objected. There was no summary jurisdiction under the Act referred to; it was provided that assaults should be tried by indictment and punishable at the Assizes; but it was afterwards thought necessary to provide for summary jurisdiction as well, and in 25 & 26 *Vict.* it was enacted that assaults of the kind specified be punishable by summary jurisdiction as well as by indictment. That statement, he thought, would meet the objection of the hon. Member for Northampton. Referring to the observation of the hon. Member for Westmeath (Mr. Sullivan), it appeared to him that if there was one thing more than another which deserved to be treated with the care usually bestowed upon blue china, it was an officer or process-server in the execution of his duty in Ireland; and he thought the Government would not be discharging its duty if they did not do everything in their power to protect those officers against the special dangers to which they were exposed.

MR. MACARTNEY suggested that the provision of the sub-section should be extended to Sheriff's officers in Ireland, because these were just as liable to assault as the other classes referred to. A case had occurred in the county of Tyrone in which the Sheriff's officer engaged in seizing the goods of a farmer for a debt due to a shopkeeper in Cookstown was shot dead. The man who committed the murder was brought before a Tyrone jury and convicted; but, owing to his great age, he was sentenced, he believed, to the mitigated penalty of two years' penal servitude. That, he contended, showed the necessity of extending the clause in the direction indicated.

MR. MITCHELL HENRY said, he wished to point out what he believed to be a sufficient reason why this Amendment should not be agreed to. It was clear, since the Prime Minister had stated that a person of legal knowledge was to be associated with the Court to be constituted under this Bill, that they would have in Ireland the best Summary Jurisdiction Court that had ever existed there. The objection that had been urged, over and over again, to dealing with this question by means of summary jurisdiction was the want of confidence in the magistrates on the part of the people of Ireland. There had always been in Ireland a want of magistrates who knew the law; but the Prime Minister now told them that this want was to be supplied, and, on such terms as that, he considered the jurisdiction of the Petty Courts should be enlarged as much as possible. The penalties inflicted by these Courts would be much smaller than those that would be imposed by Courts of Quarter Session or at the Assizes. Again, it was most desirable that in the country districts the police should have complete immunity from assaults when engaged in the discharge of their duty. In his own county (Galway) there was a district of 70 square miles, in which formerly only five policemen were stationed, and in that vast area it must be remembered that these men were the representatives of the majesty of the law. But what had occurred since? In consequence of the number of assaults on constables having largely increased, a considerable addition had been made to the number of police in that district, for which the poor people had been compelled to pay, and it was thus another argument in favour of protecting the police from assaults that under this very Act the people in disturbed districts would have to pay for the additional police forces which the Lord Lieutenant might think it necessary to send there. Anyone would suppose, who listened to the objections of hon. Gentlemen opposite to this sub-section, that a penalty of six months' imprisonment with hard labour would always be inflicted by the magistrates for an assault upon the police and the other officers named. But that was not the case; the penalties inflicted might be very light. They might not amount to more than one or two days' imprisonment, or the charge might end in an acquittal. But the point upon which he relied most strongly in defending the sub-section was, that these offences would be dealt with speedily. The hon. Member for Sligo (Mr. Sexton), in stating that the number of assaults upon process-servers had greatly decreased, had forgotten to tell the Committee what he very well knew, that the assaults had been so numerous and terrible that the Judges had been obliged to alter their rules with regard to personally serving writs by making them to be served by post. Nothing could be more desirable than that the protection accorded to single policemen and process-servers pursuing their duties in various parts of Ireland should be as complete as possible. The hon. Member for Sligo spoke of these assaults as being entirely of an agrarian character. But that was not so. Some of the worst assaults which had been committed upon bailiffs had been when they were serving processes for debts due to shopkeepers. The reason why so few assaults upon this class were recorded was simply because process-servers dared not execute their duty in serving processes. In view of the promise of the Prime Minister that the Court should be assisted by men of legal knowledge, he felt it his duty to vote for the sub-section.

MR. M'COAN said, he had no desire to prolong the discussion before the Committee, and if the Government would consent to the introduction of the words, "while engaged in the discharge of his duty," he was willing to withdraw his Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the Government proposed to add these words to the sub-section, "while in the execution of his duty or in consequence thereof."

MR. M'COAN said, the proposed wording was hardly clear enough. The object was to confine the sub-section to cases of assault while the officer was engaged in the execution of his duty.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) pointed out that it was equally necessary to protect an officer from the consequences of having performed his duty.

MR. J. LOWTHER said, he hoped the Attorney General for Ireland would adhere to the words he had proposed. It was not enough to say that a public officer should be protected while actually upon his duty; to say that would amount simply to the announcement that the moment an officer took his badge off his arm and assumed temporarily the position of a private individual he would be at the mercy of anyone who chose to attack him. The Government should take care to protect officers when off duty from the attacks of persons who cherished a grudge against them for duties which they had performed.

MR. O'DONNELL said, that when the hon. Member for Sligo (Mr. Sexton) was testing the necessity for this sub-section by reference to statistics, and when he proposed to show that there had been no assaults on the police and very few assaults on bailiffs and process-servers, he

(Mr. O'Donnell) felt instinctively that the hon. Member for Sligo was labouring under the impression that this Bill had reference to the state of Ireland. The Bill had reference to the state of England. It was not with a view to the repression of Irish crime that it was introduced, but with a view to cultivate English opinion for Party purposes; and his view of the matter was corroborated by the Home Secretary, who had frequently stated that he declined altogether to test the necessity of this Bill by anything like figures or statistics. For having made that statement, Irish Members could not but feel that they were, as usual, largely indebted to the right hon. and learned Gentleman for his headlong frankness. The hon. Member for Galway (Mr. Mitchell Henry) appeared to think that persons accused of these assaults would like to be relieved of the necessity of attending the Assizes, and of having their cases decided by a jury. For his own part, he was of a contrary opinion; and he thought that an accused person in Ireland, just as in England, would rather proceed 500 miles in order to get a fair trial than go to a place five miles distant where he would be tried unfairly. The hon. Member for Galway had, he thought, misrepresented the feelings of the Irish people in saying that they would be in favour of Courts of Summary Jurisdiction when assisted by gentlemen acquainted with the law. He could assure him that a person who merely knew the law was by no means sufficient for this purpose. It was necessary that he should be disposed to carry out the law justly; and it did not at all follow, from the description of the hon. Member, that this result would be obtained. The hon. Member had laid great stress on the fact that a long time ago constables in Ireland were quite free from assault; but he must have forgotten that at that time the constables were not engaged in the work of the "Crowbar Brigade." The right hon. and learned Gentleman the Home Secretary stated, a few moments ago, that the agrarian agitation in Ireland had a great contempt for all law. He presumed the right hon. and learned Gentleman was anxious to give a specimen of the kind of statements on which the Bill relied. Let them compare that statement of the Home Secretary with the statement of the Catholic Archbishops assembled in conference only a couple of days ago. Cardinal M'Cabe presided at the Conference, and the Bishops declared unanimously that the contempt for law in Ireland was the result of unjust eviction, and not of the agrarian agitation. The argument of the Home Secretary, subject as it was to a refutation so strong, was hardly likely to strengthen the position of the Government; but he (Mr. O'Donnell) presumed the position of the Government did not require to be strengthened by argument so long as they secured the requisite number of votes to carry their point. There was one matter in reference to this sub-section which deserved consideration. In the preceding sub-section it was laid down that a man must commit a dangerous assault upon an ordinary person in order to make the offender liable to the summary jurisdiction of the magistrates; but under this sub-section any sort of assault upon a constable, or a bailiff or process-server, or other minister of the law, was liable to be punished just in the same way as a dangerous assault upon a common man or ordinary civilian. The first objection he had to bring against such a provision was that it was calculated to encourage an aggressive and provocative attitude, not merely on the part of constables, but on the part of the ordinary bailiffs and process-servers, and the understrappers of the evictor. Bailiffs, as a body, were not men of any particular respectability. If a bailiff knew that it was only when he was dangerously assaulted that all these powers could be put in operation, he, of course, would know that similar knowledge on the part of the people would deter the people from dangerously assaulting him. If the fellow knew that any kind of a shove or push would make a person equally liable to the summary jurisdiction of the Court, he would assume a bullying and provocative attitude. Bullying and provocative attitude on the part of bailiffs was not confined to Ireland. He would remind the Committee of what occurred in London only a day or two ago. He had seen in the papers the report of a case in which some bailiffs, in the employ of a certain Midland Furnishing Company, upon a paltry excuse, broke into a house and, not satisfied with escaping punishment, they proceeded to violently assault a woman they found in the house. The woman was kicked and beaten all over the body; and these bailiffs, when they were brought before English magistrates, were let off with a fine of £5, although they had, in the discharge of their duty, kicked a woman black and blue from head to foot. While in England bailiffs who kicked a woman black and blue were let off for £5, in Ireland any ordinary person who gave a bailiff a mere shove—simply a technical assault—was liable, under the summary jurisdiction of this clause, to six months' imprisonment with hard labour. That was grossly unfair, and calculated to develop the worst qualities of a rather bad class of men—the ordinary bailiffs. There was another point of view from which this sub-section ought to be regarded. Ordinary assaults upon bailiffs were liable to be punished by six months' imprisonment on summary trial before one of these magistrates, and dangerous assaults upon ordinary persons could only be punished by six months' imprisonment with hard labour on trial before the same magistrates. Look what a terrible premium was placed upon the commission of dangerous assaults upon bailiffs. He would put it respectfully to the Government, when they made an ordinary assault upon a bailiff punishable by the same term of imprisonment with which a dangerous assault would be visited, did they not at once make it worth the while of the assaulter to give the bailiff a thoroughly dangerous mauling while he was about it? Merely shove a bailiff, merely use gentle pressure towards a bailiff, a man would be liable to six months' imprisonment when brought up before these summary magistrates. Give a bailiff a regular mauling, beat him, kick him black and blue, very dangerously assault him, and the man would only be liable to six months' imprisonment when brought before the same summary magistrates. He could assure the Government that by showing their regard for a bailiff, by providing the same punishment for dangerous assaults as for ordinary assaults, they made it worth the while of the offender to endeavour to get the value for the penalty out of the bones of the bailiff. Apart from all other considerations, this sub-section was calculated to stimulate the commission of dangerous assaults upon bailiffs and process-servers.

SIR WILLIAM HARCOURT said, he only rose to offer a few words which, he thought, might remove some of the difficulties which had been raised by hon. Members to this clause. It was the desire of the Irish Government and of Lord Spencer not to use these extraordinary powers except in cases where the Lord Lieutenant considered their exercise was absolutely required. It would be observed that several clauses of the Bill referred to proclaimed districts, and the Irish Government were of opinion that that limitation of proclaimed districts might be extended to other clauses of the Bill. The Government were perfectly willing to agree that this clause should only operate within a proclaimed district—that was, a district which was in such a state of disturbance as would justify and require the use of these summary powers. A sort of premium would thus be placed upon a district to keep undisturbed and quiet, and he hoped that the announcement he had now made would tend to facilitate the passing of the clause. Effect could either be given to the concession at the end of the clause, or, perhaps, better still, on Report. In the meantime, he would ask hon. Members to consider that the clause should only apply to proclaimed districts.

MR. T. D. SULLIVAN said, that what the Home Secretary had announced was in the direction of a limitation of the stringency of the clause, and the Irish Members welcomed any limitation of that kind. Just one word with reference to the question of statistics which had been so much talked about. He had been struck by the different degrees of value that the Government gave to statistics according to the quarter from which they came and the cause for which they were employed. They had all seen that whenever the Government chose to quote statistics—and they did so as often as they possibly could—the figures were regarded as demonstrations; they were treated as if they carried immense weight and were sufficient to settle the whole question in dispute. Let the Irish Members quote statistics in favour of their arguments and the Home Secretary put the figures off with a wave of his royal hand. Now, in matters of this kind, it was not fair to use two weights and two measures. Such a proceeding had been denounced by very high authority. The right hon. and learned Gentleman the Attorney

General for Ireland had informed the Committee that the Government would add to this clause the words, "while in the execution of his duty." Such words would decidedly go to improve——

The CHAIRMAN: I must point out to the hon. Member that that proposition will be discussed presently. There are three Amendments to be considered before the proposal to insert these words can be entertained.

Mr. T. D. SULLIVAN said, he was tempted to refer to the words by the fact that the right hon. and learned Gentleman himself had done so. He would, however, defer any remarks he had to make on the point until the proposal was formally made. He would now only offer a few observations in reference to a remark that fell from the Home Secretary. The right hon. and learned Gentleman said the clause would be harmless if the offences to which it related were not committed. He had heard statements of that sort before, and, as he said upon a former occasion, they were very easily answered. Would not the same argument go to show that this Act ought to be applied to England? The hon. and gallant Member for Cork County (Colonel Colthurst) said, a couple of nights ago, that this Act would not affect anyone who chose to observe the Ten Commandments. If that was so, why not introduce a like Bill for England? The Ten Commandments fared about as badly in England as in any other part of the world. He did not think it was fair to lay such arguments before the Committee; and he would ask those who used them to answer him, if they could, when he said that such arguments were just as good, just as cogent for the introduction of this measure, or a similar measure, into England as into Ireland. The time of the Committee ought not to be occupied with such nonsensical arguments, and therefore it was that he rose to protest against their repetition.

Mr. PLUNKET said, he would add very little to what had already been said during the debate as to the present state of Ireland, and the necessity that existed for some sort of provision for the protection of the Constabulary and other officers of the law. One fact had been made abundantly clear, and that was that the public of this country were of opinion that the whole process of the law in Ireland, administered by the Constabulary and other servants of the law, had been brought into disrepute and into contempt; and if at the present moment there was, as pointed out by one hon. Member, some sort of decline in the amount of crime, he would make this observation —that there was scarcely any part of Ireland, save, perhaps, in the North, where it was not over and over again found necessary, by persons who desired to have the process of law enforced, to apply to those exceptional Associations —the Property Defence Association and the Emergency Association—for persons to do the business which they could not get the ordinary officers of the law to do. He understood the object of this temporary Act was to bring the country into that normal condition in which the ordinary processes of the law would be effected in the ordinary way, and there would be no longer any necessity for exceptional associations. He would just say a word in reference to the announcement made by the Home Secretary that the Government would be willing that this clause should only apply in proclaimed districts. He quite saw the force of what the right hon. and learned Gentleman said as to the premium that would be held out to a district to keep quiet. Of course, if the Irish Executive took that view, they must do it upon their own responsibility. He would point out to the Government that all the offences included in this section were crimes of a sudden character; they were such offences as taking part in riots, attacks upon houses, aggravated assaults on constables, bailiffs, and others. These crimes were pretty sure to occur—he was afraid they would be more likely to occur—in those districts where this temporary Act did not apply, so that it might become necessary to proclaim a greater number of districts for the application of these exceptional powers than would have been the case had the Government not made the concession just announced. He simply ventured to submit this view of the matter to the Government; but as to the other part of the case—the necessity of these clauses for the protection of the officers of the law and Constabulary, who had been so shamefully used, but who had behaved so admirably during these disturbed times—no one who knew Ireland at all could seriously contend that these clauses were not necessary.

SIR WILLIAM HARCOURT wished to say one word in order that there should be no misapprehension. The Irish Government were very anxious not to assume these exceptional powers in cases where they did not deem their assumption necessary. These offences might occur anywhere—they might occur in the best ordered districts; but the Irish Government did not wish to assume special jurisdiction where they considered the ordinary jurisdiction would be sufficient to cope with and punish the offences. That was the view in respect of which the Executive Government desired to apply the limitation of proclaimed districts.

Question put.

The Committee *divided* :—Ayes 282; Noes 31: Majority 251.—(Div. List, No. 133.)

MR. MOLLOY moved, in page 3, line 38, after "an," insert "aggravated." The Amendment was intended to provide that the assault on a constable, bailiff, process-server, or other minister of the law must be an aggravated one if the penalty provided by the Bill was imposed. He presumed the Government would have no objection to such a reasonable Amendment.

Amendment proposed, in page 3, line 38, after the word "an," to insert the word "aggravated."—(*Mr. Molloy.*)

Question proposed, "That the word 'aggravated' be there inserted."

SIR WILLIAM HARCOURT said, the acceptance of the Amendment would be equivalent to leaving out the section.

MR. MOLLOY said, his object was to guard against technical assaults upon constables and others being made excuses for bringing men before the magistrates and obtaining their imprisonment for six months with hard labour. Unless an Amendment of this kind were adopted, it would be in the power of an ill-tempered policeman to proceed against a man who only sneered at him or smiled crookedly at him. Only the other day a photographer was had up because he spoke rudely to a policeman and advised the officer not to go too near the apparatus lest it might contain dynamite. Such cases as these he wished to guard against, though he was not wedded to the form of the Amendment. If the Home Secretary could suggest any other means of covering the point, he should be glad to withdraw his own Amendment.

SIR WILLIAM HARCOURT said, the objection of the hon. and learned Member (Mr. Molloy) would apply equally to the English Act dealing with offences against the person. The words in the English Act were "any person who assaults a constable," and for such assault the offender was liable to imprisonment for 12 months. What was proposed in this Bill was that a man who assaulted a constable in the execution of his duty should, on summary conviction, be liable to imprisonment for six months.

MR. CALLAN said, the case to which his hon. and learned Friend (Mr. Molloy) had referred occurred in Dundalk. It was a case in which a photographer declined to recognize a policeman, and who advised the constable not to go too near the photographic apparatus for fear it might contain some explosive material. The policeman made no complaint until 12 days afterwards. The photographer was arrested summarily, and brought before the Bench then sitting. Fortunately there were two paid magistrates present, and after hearing the case, took a very different view of it to the Resident Magistrate. The Resident Magistrate—one of a class who, it must be remembered, were to administer this Act—with a view, he (Mr. Callan) supposed, to uphold the law, said—

> "I differ from my brother magistrates. I am overruled by them, or I would send you to gaol without the option of bail. You have committed a grievous offence. When the policeman spoke to you, why did you not reply civilly to him?"

Such was the spirit in which a Resident Magistrate, a brother of a notorious Judge, treated the photographer; and such was the spirit in which Resident Magistrates would treat all similar cases when they were brought before them under this Act. It was absolutely necessary that words, limiting or explaining what an assault upon a constable was to consist of, should be inserted in the clause. Unless some such word as "aggravated" were inserted, persons who treated a constable uncivilly or rudely would be simply placed at the mercy of the Resident Magistrates, whose previous arbitrary conduct prompted the

Irish Representatives to show so much hostility to the summary powers of the Act.

Mr. BIGGAR said, he did not conceal from himself the fact that the Government were now introducing a law which might possibly become one of great injustice without having any corresponding advantage. He agreed with the Home Secretary that there should be a very stringent law in regard to assaults upon policemen; but he could not agree that mere technical assaults should be dealt with in a Bill of this sort. Punishment ought to be provided for *bonâ fide* and substantial offences; but no notice ought to be taken of offences which were only of a nominal character. He could not understand on what ground the Government could insist upon a provision of this kind to meet such a case as that cited by his hon. and learned Friend (Mr. Molloy) and his hon. Friend (Mr. Callan). If the Government did not assent to the Amendment, it would only be another piece of evidence of their unreasonableness.

Question put, and *negatived.*

Mr. SEXTON moved, in page 3, line 38, to omit the word "constable." The Bill had been introduced, it was alleged, as a result of the agrarian condition of Ireland. An hon. Member sitting behind the Treasury Bench, however, had said that the general condition of Ireland, apart from agrarian, required coercion, and the Home Secretary grasped at the attenuated straw. If there be other facts connected with Ireland requiring a Bill like this, why did the Government only present a Return dealing with ordinary crimes? Let them show there was anything in the ordinary crimes of the country requiring coercion, and he would withdraw his opposition to the clause. He meant to adduce figures to show that the general condition of Ireland did not necessitate such a Bill, and did not require that constables should be specially protected by this clause. It was a notorious fact that in many cases when constables had been tolled off on agrarian duty they had been blind drunk; it was well-known that during the recent disturbances in Dublin the police had committed assaults on the people when in a state of beastly intoxication——

It being ten minutes before Seven of the clock, Committee report Progress; to sit again *this day.*

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

Mr. SEXTON said, the Committee would recollect that at 10 minutes to 7 o'clock he had not concluded his remarks in moving to omit the word "constable" from Sub-section (*d*) of the 5th clause. He had no objection to the presence of the words "bailiff, process-server, or other minister of the law," because those words had some relation to that peculiar phase of the condition of Ireland which was alleged to demand coercion. If the word "constable" was allowed to remain in the clause, the principles of the Bill would be extended to the whole life of the country, and to every possible contingency in which a policeman came into hostile contact with the people. It would be an outrage to apply to every possible hostile occurrence that might arise between policemen and civilians a stringent measure of this kind, giving, as it did, to a scratch tribunal the powers of long imprisonment with hard labour. Outside the agrarian question, there was no case whatever for the application of coercion. He had previously shown that even with regard to the agrarian question there was no case made out for its application, and he had brought forward what he considered most conclusive arguments—namely, the figures contained in the Government Return on the subject. It would be very amusing, if the subject were not so serious and painful to the persons he represented, were he to describe the manner in which statistics were regarded by the House. He always thought that statistics—official figures—presented facts in the most condensed and most authentic form; and last year, when the Coercion Bill was before the House, the late Chief Secretary (Mr. W. E. Forster) was constantly supplying arithmetical tables of crime, and when the right hon. Gentleman showed there was a continual increase of offences, and put the fact forward as a powerful argument in favour of coercion, he was cheered to the echo by hon. Gentlemen behind him. When the present Chief Secretary to the Lord Lieutenant addressed the House for the first time in his capacity of Chief Secretary, his speech was replete with tables of crime, and their reading was received with considerable applause. He (Mr. Sexton) did not forget that last year the Prime Minister delivered what the House considered a sledge-hammer speech, based on a Return of the number of Land League meetings held in a given time, and the number of agrarian crimes. An arithmetical relation was established between the number of meetings and the number of crimes, and he well remembered with what defiant salvoes of cheering this arithmetical relation was received by the House. The right hon. Gentleman said—"These are the figures; the steps of the Land League are dogged by the steps of crime." If he took up the Government's own Return, and pointed out that assaults on process-servers were conspicuous by their absence, he was met by the reply—"Oh, this is not a question of statistics." The hon. Member for Galway (Mr. Mitchell Henry), whose zeal in support of this coercive Government often overran his discretion, told the Committee that assaults on process-servers had decreased because of the rearrangement of procedure made by the Judges. He (Mr. Sexton) supposed the Judges acted on their wisdom, and if they had found their alteration of their rules sufficient for the prevention of these assaults, why resort now to coercion? If the present rules of procedure were sufficient to prevent crime, why suspend the ordinary law and resort to coercion? A still more extraordinary argument was used by the Chief Secretary. "Oh, yes," said he, "perhaps there may be no assaults on process-servers; but there may be some hereafter." Was there ever such an argument for a Coercion Bill? If the liberties of the people were to be taken away because the Home Secretary thought there might be assaults on process-servers at some future time, the House of Commons had better give up all pretence of being a deliberative Assembly. Argument ceased when such a point as that was reached, and when he must assent to the liberties of the Irish people being taken away because the people might hereafter indulge in crime from which they are now free. The right hon. Gentleman said, if there were no agrarian offences now, there were ordinary offences. He altogether denied it. The ordinary crime presented a more conclusive case against coercion than the agrarian crime. He maintained that of the total number of apprehensions the convictions by juries, whether for ordinary or agrarian offences of the class included in this clause, would bear a fair comparison with the convictions of English juries in any cases whatever. If the Government considered that ordinary offences in Ireland were sufficient to demand coercion, why had they never laid on the Table any Return on the subject? The Government were in this dilemma—If ordinary offences were a reason for coercion, they had kept Parliament in ignorance, and they had been guilty of grave neglect of duty in not presenting Returns for the information of Parliament. There was a special reason why the word "constable" should be omitted. The police in Ireland had had from the beginning of this emergency very fatiguing and troublesome duties to perform. They had been required to turn out in all sorts of weather; they had had to travel long distances on foot, and they had been allowed 2*s.* 6*d.* a-day for refreshment. On many occasions, before going on duty, they had been liberally primed with liquor, and while under its influence had committed excesses of which the country were only too painfully aware. What did Dublin Castle do with the policemen before sending them out during the excited times of last autumn? They primed them liberally with liquor in order the more effectually to do their work. He had gained his information from a constable who took part in the exploit, but who had since left the Force. When many of the policemen were in a state of extreme intoxication, it was no wonder that on the night of the arrest of the hon. Member for the City of Cork (Mr. Parnell) they beat men, women, and even children, quite regardless of the consequences. The Committee, no doubt, would remember the case of Ellen M'Dermott, who was stabbed dead by the police in county Mayo. There was a public inquiry into the matter, and it was found that after having stabbed the unfortunate girl the police went to the house. There was the girl's mother, with the dead body on one side of her and an epileptic son raving on the other, and the policeman who had stabbed the girl served the mother with a summons for 7*s.* 6*d.* for poor's rate. It was well known that when services of this kind had to be performed by the police, and when the police had to go long distances, they were well supplied beforehand with what was euphemistically called "refreshment." He was entitled to say that if the police, when in an inebriated state, were brought into contact with the people at times when the popular mind was very much perturbed, the probability was that the kind of assaults referred to in this sub-section would be very often provoked by the police themselves. He was entitled to say that oftentimes the police would so conduct themselves as to compel civilians to be guilty of an assault in self-defence. In view of such facts, and under such circumstances, it was very necessary that the accused should have the protection of a jury. The Resident Magistrate was inseparable from the police. He conducted police investigations; he was prejudiced towards the police; and, therefore, to commit the people to the care of such men was simply to condemn and foredoom them. This was his case in favour of the omission of the word "constable."

Amendment proposed, in page 3, line 38, to leave out the word "constable."—(*Mr. Sexton.*)

Question proposed, "That the word 'constable' stand part of the Clause."

Mr. PARNELL said, that unless some answer were given to the speech of his hon. Friend he should move that the Chairman do now report Progress. He submitted that his hon. Friend was entitled to a statement from the Treasury Bench.

Sir WILLIAM HARCOURT said, he did not answer the hon. Member, because he thought that the speech, and especially the closing words of the speech to which the Committee had just listened, was the strongest argument that could be advanced in favour of the clause. It was because men in the position of the hon. Member were constantly holding up the police in Ireland to the hatred and contempt of the people that this clause was necessary. It was because men in the position of the hon. Member were inciting the people of Ireland to resist the police, and to hold sentiments towards the police such as the hon. Gentleman had expressed, that in his (Sir William Harcourt's) opinion the police of Ireland required protection. Speeches like that to which they had just listened made it highly improbable that juries in Ireland would do their duty. How was it likely that people who had sentiments addressed to them like those they had just heard would feel otherwise than disposed on all occasions to find verdicts against the police? That, indeed, was the purpose for which such language was held, and he regarded speeches like that of the hon. Member as the very best arguments in favour of the clause as it stood.

Mr. HEALY said, the two hours' repose had not done the right hon. and learned Gentleman the Home Secretary much good. Instead of the right hon. and learned Gentleman having availed himself of the two hours to clear his mind from the conflict of debate, he came down to the House and, without answering one single tittle of argument advanced by the hon. Member for Sligo (Mr. Sexton), he delivered by insinuation charges of the most atrocious character. ["Order!"] Gentlemen who cried "Order" appeared to think that the Home Secretary was to have the monopoly of abuse in the House. The Home Secretary insinuated that the hon. Member for Sligo, by his speeches, had incited the people to commit crime; but what answer did the right hon. and learned Gentleman make when the hon. Gentleman (Mr. Sexton) showed that, in spite of these alleged incitements to crime, there was not in the months of January, February, March, April, or May, a single assault upon a policeman in Ireland? That argument was unanswerable; and the Government had not pretended to answer it. Hon. Gentlemen had heard of a column erected before a certain bridge in this city, which column had been described by Pope as a column which,

> "Like a tall bully, lifts its head and lies."

When he heard arguments addressed to the Committee by the Home Secretary which were no arguments at all, but which simply consisted of an attempt to put down, by defamation, arguments of the most trenchant character, he could not help at times recalling the words of the poet. This was the spirit in which the Irish Members were being dealt with by the Home Secretary; but he could tell the right hon. and learned Gentleman that the challenge which he had thrown down would be taken up by the Irish people, and would be answered in a spirit which his Government and this House would yet learn to regret.

MR. GIBSON said, he was not disposed to contribute to the discussion any observations of the elevated character of those to which the Committee had listened for the last two or three minutes. He proposed to approach the discussion, if he could, from a humbler and more prosaic point of view. He did not wish to criticize, in an offensive way, the speech of the hon. Member for Sligo (Mr. Sexton), to whose speeches he sometimes listened with admiration, although he could not say that he agreed with many of his propositions, and he could not pretend to say he agreed for a moment with his standpoint. Anyone who had listened, even in the most friendly critical spirit, to the hon. Gentleman's speech of this evening, must arrive at the conclusion that it was no eulogy of the police. That was a fair and moderate way of putting it. One could not find in the speech language of unmeasured praise of the Irish police, and it appeared to him that if such a speech were delivered before an appreciative and intelligent and rather excited audience like those which they were in the habit of meeting with in the land of the brilliant race, it might be possible that it would lead to some misconception as to the point of view from which the Constabulary were to be regarded. He was disposed to think that, looking at the question fairly and temperately, and from a common-sense point of view, the Constabulary were entitled to a reasonable amount of protection at the present time. He was disposed to think they were subjected just now to rather more than a reasonable amount of unkind criticism—he liked to put everything in a moderate way. Unquestionably, the discharge of their duty did not render the police liable to be inebriated by undue popularity—that was another consideration he was entitled to present to the Committee—and the discharge of their duties had, on more occasions than one, in fact very frequently, subjected them to very great danger, and occasionally to very substantial outrage. He did not believe any man should profess any very great standard of courage unless he was likely to be called upon to put it to proof. Of course, in that case a man was entitled to be as courageous as he pleased; but he (Mr. Gibson) was disposed to think there were very few sitting in the House who would care to be discharging the duties of the police in the disturbed districts of Ireland if, being in that position, they did not feel they were protected by firm laws, formed with a view to the special exigencies of their existing life. He put it to the Committee, making allowance for every conceivable standpoint, did not every rational man feel that the Constabulary in Ireland who, at this critical time, were discharging unpopular, disagreeable, and trying duties, were entitled to every possible protection? Surely, if the Irish Members below the Gangway were willing to protect "bailiffs, process-servers, and other ministers of the law," they would be prepared to go a step further and say they would give equal protection, at all events, to the men of their own country who were discharging the difficult duty of preserving the peace. He had no desire to run away from the question, and he could not imagine any solitary reason there could be suggested why the Constabulary should not be given the protection of this clause. It was generally admitted that the Bill was necessary. ["No!"] Well, they were now in Committee, and they were bound to view the Bill from that standpoint—they were discussing the clauses on the basis that Parliament was satisfied that some such Bill was necessary. If Parliament was satisfied that it was desirable to increase the power of summary jurisdiction, in the name of common sense how could it be argued that the ministers of the law who were most mixed up in the administration of the law should be excluded from the protection intended to be given by this clause? He did not dispute that, from the hon. Gentleman's (Mr. Sexton's) point of view, it might be reasonable to put forward this Amendment; but surely the matter had now been fully discussed. He (Mr. Gibson) claimed to have a mind tolerably open to conviction; but he must say he was unable to see a single ground which could be fairly suggested for the acceptance of this Amendment.

Mr. T. D. SULLIVAN said, that the Home Secretary had stated that one of the causes of the unpopularity of the police in Ireland was to be found in speeches such as that which had been made by the hon. Member for Sligo (Mr. Sexton). He (Mr. Sullivan) entirely differed from the right hon. and learned Gentleman on this point. The cause of the unpopularity of the police in Ireland was the power and privilege which had been given to them by the English Government to tyrannize and dominate over, and to harass the Irish people. That was the real cause of their unpopularity; the police were petted and pampered, enabled, and even induced, to meddle with, annoy, and irritate the people. This Bill, when it became law, would make the Irish police still more unpopular than they had ever been before. It would elevate them—they were high enough now in power and privilege—but, when this Act passed, every policeman in the country—every policeman in every village and town in the whole Island—would be monarch of all he surveyed. There was not a young man in the whole country who could venture to hold up his head beneath the frown of the Irish policeman. He had said they were a pampered and a petted class; and, as he and his Friends had pointed out over and over again to the Committee, they were not really policemen, they were soldiers—they were warriors, and they conducted themselves as such; they were not detectives of crime, but lords over the people. The Irish Constabulary would, in his opinion, be an admirable force to send out at the present moment to Egypt, or to any other country where England wished to assert her supremacy——

The CHAIRMAN: I must point out to the hon. Gentleman that it is not the merits or the demerits of the Irish Constabulary that is under discussion, but simply whether the word "constable" should be omitted from the clause.

Mr. T. D. SULLIVAN: Precisely; and it was proposed to leave out the word "constable" because of the special character of the Irish Constabulary—because of their conduct, and because of the relations in which they stood towards the Irish people. He would not dispute the Chairman's ruling; but he hoped the right hon. Gentleman would see that his remarks were pertinent to the subject under discussion. He contended that the Irish police were such a body of men as would make an admirable force to send out to Egypt, or any other part of the world where England had military service to be performed; but for the purposes for which police were required they were not only an inefficient organization in Ireland, as could be proved out of the mouth of the Government themselves——

The CHAIRMAN: I have explained to the hon. Member that the Question before the Committee has no reference whatever to the merits or demerits of the Royal Irish Constabulary. The question is simply whether the police shall be protected from assault under this clause.

Mr. T. D. SULLIVAN said, he quite agreed that the police should be protected from assault; but he would point out that they had protection from assault already under the ordinary law. That was quite sufficient; and to give them this additional and extra dignity, weight, importance, and protection would not answer any useful purpose in the country, but would have a contrary effect. As he had said, it would add to the unpopularity of the Force, and make the constables more and more distasteful and disagreeable to the people amongst whom they had to act; it would make them hold their heads higher, if that were possible, and make them more and more interfere and meddle with the people, and induce them to put the people to all kinds of inconvenience and trouble.

Mr. PARNELL said, he certainly had expected that the Government would have made some attempt or other to justify the powers they sought to obtain under this provision of the clause. The Government were asking protection for the Irish police which they did not claim for policemen in the worst slums in London—in the worst slums of a city—from the river running through which, in the course of the last five years, no less than 599 dead bodies had been taken. There had been that large number of dead bodies taken from the Thames; but there had probably been double that number of undetected murders committed within that period, and yet the Government did not claim, on behalf of the Metropolitan police, the power which they claimed for the Irish stipendiary magistrates in regard to the infliction of sentences on persons who assaulted the police in Ireland. Such was the extraordinarily sanguine character of the Government that they expected everything they said—or they thought, for as yet they had said nothing upon this matter, except through the mouthpiece of the right hon. and learned Gentleman the Home Secretary, and his few remarks were certainly not in the slightest degree pertinent to the arguments of his hon. Friend (Mr. Sexton)—but such was the wonderful constitution of this wonderful Ministry that they expected the Committee would give them a clause of this character without the slightest attempt having been made to present a case for its insertion in the Bill. Why, he asked, was it brought in for the protection of the police? Had the police been assaulted in Ireland? [" Yes."] Well, they had 12,000 constables in Ireland; and if hon. Members would look at the statistics of assaults on the police in England, and assaults on the police in Ireland, they would find that the number of cases in England was 10 times greater than the number in Ireland—he did not think he should be over the mark in saying 20 times greater. It had been shown there had been, comparatively speaking, no assaults on the police in Ireland. It had been shown that, owing to their organization and constitution, and the other steps taken by the Government in regard to them, they were not brought into contact or collision with the people; that, as a rule, the people did not assault the police; and that, of all the provisions in this Bill—of all the exclusively severe provisions in this Bill calculated to make the people of Ireland hate the English Government for all eternity, and to keep the gap between the two nations wide open—there was none more severe and detestable than this they were now discussing. Because the police had not been assaulted in Ireland, because no case had been made out—as no case could be made out—they (the Government) asked from this obedient and subservient House these extraordinary and oppressive powers. He submitted that they could not discuss this Amendment satisfactorily without considering the acts and the constitution of the Constabulary Force in Ireland. He had listened very carefully to the Chairman's ruling a while ago with regard to what was falling from the hon. Member for the County of Westmeath (Mr. Sullivan), and he felt it necessary to point out to the Chairman that one of their chief reasons for objecting to this power being conferred on the stipendiary magistrates under this Bill was that the Government, on their side, had not shown that the people had behaved themselves against the police, in the matter of assaults, in such a manner as to render the power necessary. On the contrary, the Irish Members believed that the Government had failed in their contention; and they maintained that they could prove, by the constitution of the Constabulary Force in Ireland, by the character of the Force, and by its action, that it was not entitled to the excessive protection that it was sought to give it under this sub-section. The Irish Constabulary had not shown themselves so judicious in their use of the very large powers and the protection already given them by the law of the land as to entitle them to, or to entitle the Government to, ask for them further protection. During the last six months, if anybody ventured to open his mouth in Ireland, and speak in a sense adverse to the existing Government, he did it at the risk of being picked up two minutes afterwards with about a ton of buckshot in him. If anybody whispered any notion or thought that was apparently intended to make out that anything the late Chief Secretary had done was not perfection and most righteous, he ran the risk of finding, if there was a constable near him, the bayonet of that constable in his body before the breath was out of his lips. He (Mr. Parnell) did not draw an exaggerated picture of the action of the police during the last six months in Ireland, or the way in which they had been encouraged to act by the Government; and although he believed that a change had come over the state of affairs in that country and the spirit of the Government, and that the present Chief Secretary to the Lord Lieutenant did not encourage the police to butcher unoffending women and children in broad daylight in the public streets of the Irish towns, yet——

MR. GOSCHEN rose to Order.

The CHAIRMAN: The hon. Member must have heard my ruling—that this is not the time to discuss the services of the Force as a body; it is for the Committee to confine itself simply to the question as to whether special protection should be given to the police or not.

Mr. PARNELL said, his argument was simply this—that the continued action of the police in Ireland, and the continued action of the Government, did not make out a case for giving these further powers. If that were not a legitimate argument, he did not know what was. He would not venture for a single moment to dispute the ruling of the Chair; and if the Chairman said he might not point to what had happened in Ireland—to the abuse of power by the authorities and the police in Ireland during the last six months—to show that the Government could not be trusted with further powers, of course he should not press the matter further. He thought, however, he was entitled to use this argument, or that he had legitimate grounds for complaining that part of the rights of the Irish Members had been taken away from them on the present occasion. He would fall back on his original contention, and call on the Government—and he thought they were entitled to call upon it—to make out their case. Why did they want this excessive power? Why did they want this power of sending everybody who looked cross at a policeman to gaol for six months with hard labour? That was practically the effect of this sub-section. Hon. Members knew very well how the Constabulary provoked the people. The police went in the public-houses and acted in a rough way to the people; but if the slightest retaliation was attempted—the retaliation that any man under the circumstances would be betrayed into—it would be construed into an offence under this clause and this Bill, and the man offending would be liable to the penalty of six months' imprisonment. There was not a single particle of foundation for the contention put forward by the Government with regard to this sub-section. They were not entitled, either in consideration of the number or the character of the assaults on the police, to claim this power, than which there had been no instance of so excessive and severe a power being asked for during the 80 years which had elapsed since the Union.

Mr. TREVELYAN rose.

Mr. T. D. SULLIVAN: I wish to speak on the point of Order——

The CHAIRMAN called upon Mr. Trevelyan.

Mr. TREVELYAN said, the case before the Committee at the present moment was one of the very simplest kind. After all that had been said about the qualities of the police, he was sure no one would be found to deny to them—who were the one safeguard for the provision of law and order in Ireland, as elsewhere—that protection necessary to enable them to discharge their functions. If the police in Ireland were all that had been described in some of the speeches just delivered—some of which were, perhaps, too eloquent for the occasion—there could be no doubt that, in many parts of Ireland, the Constabulary stood between the great mass of the people and the domination of "Captain Moonlight." They were told by hon. Members opposite that they ought not to put the police in a privileged position, and give them this exceptional protection. Well, he denied that they were giving them any exceptional protection, or putting them in any privileged position, because they had a particular partiality for policemen. They gave it for the law—by giving it to the police they gave it to every quiet and law-abiding citizen. They were told that exceptional protection was not given to the police in the most dangerous slums of London; but the police in London were not in the position of ordinary individuals in that respect. If an ordinary citizen were assaulted, the punishment for the offence could not exceed one year's imprisonment; but for an assault on a policeman while in the execution of his duty a punishment of two years' imprisonment could be inflicted——

Mr. PARNELL said, that protection was not given to policemen in England before Courts of Summary Jurisdiction.

Mr. TREVELYAN said, he was going on to say that that severe penalty could only be inflicted upon indictment before a jury; but it had already been decided on principle by the Committee that, in certain parts of Ireland, they could not trust the juries. That point was, therefore, settled; and the question now was, whether they should give the policeman some sort of extra protection which they did not give to the private citizen? Surely, if there was any quarter of the United Kingdom in which the servants and emissaries of the law ought to have special security and protection, and ought to be looked upon with special sanctity, it was Ireland at this moment; and for that very simple reason the Government could not accept this Amendment.

MR. T. P. O'CONNOR said, he was glad to observe such a pleasant contrast between the calmness of the Chief Secretary and the somewhat despotic vehemence of the Home Secretary. There was no reason whatever why they should not discuss the proposal of his hon. Friend in a spirit of calmness and perfect good humour. The hon. Member for Sligo (Mr. Sexton) had introduced his proposal in language the moderation of which no one could think of denying, unless it were the Home Secretary, who was not, perhaps, altogether accountable for the temper in which he spoke. While he (Mr. T. P. O'Connor) was ready to thank the Chief Secretary for the tone of his remarks, he wished to point out this to the right hon. Gentleman, and recommend it for serious discourse between himself and his conscience. When they were discussing a previous portion of the Bill, the object of which was to suspend trial by jury, the right hon. Gentleman came down with a long array of figures, and was ready to prove—no doubt to his own satisfaction, and to the satisfaction of hon. Members of the Committee—that trial by jury had broken down. But where were his statistics now? He was able to give them a statement as to murders, and the number of prisoners brought to trial; and he had been able to show them the number of cases in which, where trials had taken place, the proceedings had resulted in the acquittal of the persons accused. Where were those statistics now? The right hon. Gentleman's whole case was backed up and founded on the figures that he was able to lay before the Committee. Where were those figures now? The right hon. Gentleman had said, "It has been agreed that trial by jury has broken down." Well, suppose they admitted themselves convinced by the arguments and the figures of the right hon. Gentleman—supposing they admitted that trial by jury had broken down in the case of Ireland, had trial by jury broken down in one single case of assault upon a constable? How could it have broken down in the face of the facts stated by his hon. Friend, and not denied, because it was a fact founded on the official figures of the Government—how could it have broken down in face of the fact that no constable had been assaulted? That was a matter he recommended for serious, if not pious, discourse between the right hon. Gentleman and his conscience, which, he trusted, still remained to the right hon. Gentleman, and would ever remain to him untouched even by the duties of the Office of Chief Secretary to the Lord Lieutenant. It was said that the constables should be protected, and so they should when it was proved that they were in need of protection; but it could not be said that a body of men were in need of protection when it had been shown that not one of them had been assaulted.

MR. GIBSON: Within the past few months constables in Ireland have been stoned almost to death.

MR. T. P. O'CONNOR: Within the past five months?

MR. GIBSON: Yes.

MR. T. P. O'CONNOR said, if that was the case, why was it not stated in the official Returns? The police had given Returns of agrarian and other outrages; and if these attacks which were referred to were made upon the Constabulary, surely they were reported, and if they were reported, why were they not mentioned in the document laid on the Table of the House? He was really astonished that he should have to labour an argument upon a question like this before the House—to show that they should not suspend trial by jury in the case of offences which, as a matter of fact, had never taken place. What would be the effect of the clause? The words were "commits an assault on any constable," &c. It did not say what kind of an assault, as an hon. Friend of his had pointed out in an earlier part of the evening. According to the technical interpretation of the law, an assault might mean a man shaking his fist in another person's face. He saw an impatient gesture on the part of the Attorney General for Ireland, who was in the habit of indulging in an amount of facial expression that would do credit to Madame Sarah Bernhardt-Damala in one of her performances. But an assault might mean shaking your fist at a person, or "making a face" at a man, to use an expression adopted by the Attorney General for Ireland when he was defending the rights of the working men of this country. The Irish people were convinced that everyone who even put his finger to his nose to an officer of the law would be liable to six months' imprisonment for thus desecrating that royal person. The Government ought to be ashamed of this clause. If he thought there was any shame in them, he should think there was some virtue in them; but, as he failed to see the shame in the first place, he was afraid every hope of being able to find virtue in Her Majesty's Ministers had gone.

Mr. DILLON said, he very well knew there was no need of any special protection for the Constabulary of Ireland; and the reason was that the police-constable in Ireland was armed, while the police-constable in England was not armed. Furthermore, in Ireland, the Constabulary went about in large numbers. Even in the smallest villages their numbers were so great that they were only too able and too ready to protect themselves. An interjection had been made by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) to the effect that some policemen had been almost stoned to death within the past few months. If that were so, the offenders could be tried under the ordinary law dealing with grievous assaults. They were not going to hold that a police-constable was not a "person;" but the object of this sub-section was that an assault of a slight character, which could not be placed in the category of an "aggravated crime of violence against the person"—as would be the stoning to death referred to—should be punished with the full rigour of this clause if committed on a constable. The offence under this clause, for which the punishment of the Bill might be inflicted, might be a trifling assault committed in self-defence; and what the Irish Members said was, that it had been brought under their notice—it had been brought prominently under his own notice—that the police in the South and West of Ireland had, in numberless cases, given most frightful provocation to the people.

Mr. T. P. O'Connor

In one instance, at the beginning of the evictions, and just after his own arrest, he got numberless letters describing how provocation had been given; and in a particular case to which his attention had been called, the special correspondent of *The Freeman's Journal* of Dublin, a gentleman who was above suspicion in these matters, who was a friend of his own, and a man whose word he knew could be implicitly relied upon, had told him that whilst walking along the road in the performance of his duty as a journalist, he was, without the slightest warning, struck from behind and knocked down. If that man, who was there as a journalist describing the incidents of that famous campaign, had offered any resistance to the police—which, of course, it would have been impossible for him to do, as he was suddenly assailed from behind and knocked down before he had the least idea of what was going to be done—if he had even raised his arm to prevent himself from being struck, that would have been an action that could have been constituted into an offence under this section. The Committee had ample evidence, not only that the police were able to protect themselves, but that they were rather too quick in protecting themselves, and that very often they were the aggressors. If the Government wanted to give the police additional protection, he would say—"Very well, give them additional protection by all means, but deprive them of rifles and bayonets and their military gear, and send them out armed only as the police of any other country are armed; give them the arms that you give the police in this country." But it was absurd to say that policemen who went about with bayonets and carbines and revolvers were unable to protect themselves against trivial assaults. If they were seriously assaulted, then the case would come under the other sub-section; but if the assault was only of a trivial character, then the offence would come under this special sub-section; and he repeated, that in the case of men armed as they were, protection of this kind was absurd and unnecessary.

Mr. HEALY said, he wished to ask the Chief Secretary to the Lord Lieutenant if he would state what class of weapons the Constabulary in Ireland were provided with? Was it not the fact that they had the revolver, the carbine, the bayonet, the sword, and the baton? Did they not carry their weapons both to Mass and to market? In no single instance had the arguments the Irish Members had used against this sub-section been contradicted, although, in truth, he must say that their arguments in reference to this clause were no better and no worse than they were against any other clause of the Bill. ["Hear, hear."] He was glad to hear an approving cheer from the other side of the House. What was the fact? Why, that since last January there had not been a single assault against the police. The Home Secretary, who, when his Chief was not in the House, was only too glad to have an opportunity of swaggering and using language——

THE CHAIRMAN: The hon. Member has used a term which ought not to be used in debate.

MR. HEALY said, the right hon. and learned Gentleman was only too glad—unlike his Leader the Prime Minister—to treat the Irish Members without the respect that was due to logical argument. They had shown the Home Secretary that in January, February, March, April, and May, there had not, in the whole of Ireland, been a single assault committed upon any constable; and they had asked the Government what answer they could possibly make to that argument? The reply was simply a statement that his hon. Friend had made speeches calculated to incite persons to acts of violence against the police. Not only had there not been any assaults upon the police of recent date, but in other respects this Proviso they were discussing was most unprovoked. It was unprovoked on this ground. It would be remembered that it had been said that one reason for this Act was because they could not get evidence against accused persons; but the evidence in a case where a person was charged with assaulting a policeman would be the evidence of the policemen himself. And it was well known that in Ireland a policeman would never hesitate to swear anything that was necessary to prove his case. He himself had witnessed a circumstance in the South of Ireland which fully substantiated, to his mind, the truth of this assertion. He had witnessed a case in which both policeman and Sub-Inspector went into the box and committed deliberate perjury; and if the Committee took Ireland through they would find that that was the kind of character that the police bore in every village and town in the country.

MR. M'COAN: Nothing of the kind. I deny the accuracy of the assertion.

MR. HEALY said, the hon. and learned Member for Wicklow (Mr. M'Coan) was not very well acquainted with Ireland. He believed his knowledge of it was entirely confined to the period of an election contest.

MR. M'COAN: It is perfectly untrue that the police bear that character, and that that is the feeling that exists all over Ireland with regard to the Constabulary.

MR. BORLASE rose to Order. He wished to ask the Chairman whether the observations of the hon. Member for Wexford were in Order, and whether the character of a whole body of men could be blackened in this manner?

THE CHAIRMAN: The hon. Member, if he makes use of these statements, must do it on his own responsibility; but I cannot say they are un-Parliamentary.

MR. HEALY said, he had stated that which he knew to be the case on his own responsibility. ["No, no!"] Yes, at least what he had stated he had stated on his own responsibility—it could not be contradicted, and he adhered to what he had said. The Irish Constabulary had three functions. In the first place, if they found a donkey straying on the road they impounded it; secondly, if they found a man in charge of a cart with no name on it they arrested him; and, thirdly, when they found a man drunk in the streets, they took him to the police-barrack, locked him up, and afterwards brought him before a magistrate. These were their duties; but, so far as the detection of crime was concerned, the Force was perfectly useless.

THE CHAIRMAN: The hon. Member is now discussing the merits of the police. That question has already been ruled out of Order, and I, therefore, must request him to confine himself to the Amendment before us.

MR. HEALY said, he was showing the necessity for the Amendment; but if the Chairman ruled him out of Order, he must put those particular matters aside. He would stand on the general declaration that in the Return furnished to the House it was not shown that during the past five months there had been a single assault on the police. The Chief Secretary was famous for his statistics; yet he had not ventured to give one single instance in support of his demand for the inclusion of this word "constable" in the sub-section. That was only another specimen of the way in which the Government dealt with the arguments of Irish Members. To the arguments of the Irish Members, whether good, bad, or indifferent, the answer given to them was always the same—namely, "They had made up their minds." But for the purpose of exposing the character of the provisions of this Bill, and the pretensions and the conduct of the Government, his hon. Friends were determined to proceed, not only with this, but with all other Amendments.

Mr. T. D. SULLIVAN said, he had risen to speak several times on a point of Order.

The CHAIRMAN: The hon. Member cannot rise to speak on a point of Order that has been already settled.

Mr. PLUNKET said, it was really impossible for those who did nothing to protract the debate, and who desired that it should not be protracted, to sit still and listen to such attacks upon the Irish Constabulary. An attack had been made upon the Constabulary, and reasons had been given why the Force should not receive the protection which it was proposed to give them by this Bill. The police were described by the hon. Member for Sligo (Mr. Sexton)—in language of unusual exaggeration for him—as cruel, dissolute, and drunken; and that charge had not been supported by a shadow of evidence or an iota of proof. Yet, everyone had sat still; even the right hon. and learned Gentleman the Home Secretary had sat still. Instantly, the hon. Member for the City of Cork (Mr. Parnell) had risen in fine phrensy, and challenged the right hon. and learned Gentleman, asking why he did not reply and answer his hon. Friend? The reply of the Home Secretary was—"I do not wish to give prominence to these exaggerations—to these charges;" and the right hon. and learned Gentleman sat down. Then came this flood of abuse against the Constabulary. He was not going to press this matter further, as it would be out of Order to do so; but this he would say, speaking with a far greater knowledge of Ireland than was possessed by the hon. Member who had just sat down, that the members of the Irish Constabulary were the sons and brothers of the farmers of Ireland, and the most respectable men of the class to which they belonged——

Mr. T. D. SULLIVAN: said, he rose to Order. He wished to ask the Chairman, if the adverse criticisms of some hon. Members were out of Order, were not the eulogies pronounced on the Irish police by the right hon. and learned Gentleman also out of Order?

The CHAIRMAN: The right hon. and learned Gentleman was simply answering in a sentence the very strong censures passed on the police by the hon. Member for Wexford, which I, when challenged, ruled were not un-Parliamentary, but must rest on the hon. Member's own responsibility. I am sure the right hon. and learned Gentleman (Mr. Plunket) is not going to carry the discussion any further.

Mr. PLUNKET said, it was not his intention to pursue this matter further; but this he would say, that, until three years ago, this clause would have been as unnecessary for the protection of the Constabulary of Ireland as for the protection of any class in Her Majesty's Dominions. There were no men better trusted or more respected in Ireland through all times of trouble and disorder. But it was said by hon. Gentlemen below the Gangway on that side of the House that Parliament should not protect the Constabulary from common assault because they were armed and went about in large bodies. Why was it necessary that they should carry these arms now, if it had never been necessary before? The Constabulary had gone about the country armed like ordinary police until the last three years. [*Cries of* "Never, never; not for 20 years!"] If the advice of hon. Gentlemen below the Gangway was followed, these outrages would go on; the Constabulary would be armed with carbines and bayonets; the Force would do its duty, as it had done during the last two or three years, and nothing might interfere for a time to disturb the normal condition of things; but at some unexpected moment, and under fearful provocation, a terrible fray would break out, when serious injury would be done to the people, and another great accusation would be made against the Irish Constabulary, whose duty it had been to maintain law and order in that country.

MR. T. P. O'CONNOR said, the right hon. and learned Gentleman who had just spoken had managed, like so many other speakers from the Front Bench, to altogether avoid the point put by the Mover of the Amendment. The argument of his hon. Friend was not founded on the misconduct of the Irish police, but upon the Reports sent in by the Government. For five months there had not been a single Report in which mention was made of an agrarian assault upon the police. That was the case; let the Government answer it if they could. The right hon. and learned Gentleman had said that it was only within the last three years that the Constabulary had gone about armed with carbines, bayonets, and revolvers; but a right hon. Member in the House had seen the Constabulary armed in that manner 14 years ago. When the right hon. Gentleman the Member for Birmingham (Mr. John Bright) visited Ireland 14 years ago, he found every Irish policeman with a bayonet by his side. Whenever the conduct of the police was challenged, the reply was always the same—"They are sons and brothers of the Irish farmers." But was it, he would ask, the sons and brothers of the Irish farmers who killed M'Cormick, who killed an old woman in County Mayo, and did all those acts which had made the Force stink in the nostrils of the people?

MR. O'CONNOR POWER said, he hoped there would be an increasing disposition manifested to discuss this matter without passion. He did not endorse the description that had been given of the Constabulary Force by his hon. Friends near him; but, at the same time, he was bound to confess that he was far from endorsing the sweeping eulogy of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket). He thought a distinction ought to be made between the rank-and-file of the Constabulary and those leaders of the Constabulary who, on some occasions, were placed in authority. The hon. Gentleman who had just addressed the Committee was quite right in recalling certain circumstances which had occurred in the county which he (Mr. O'Connor Power) represented, and in speaking of these circumstances as discreditable to the Force; but they were discreditable to the officers, and not to the men, and they had had, not solitary instances, but frequent instances, of the same thing. When the Chief Secretary said that in the present condition of Ireland the life of a policeman, without any distinction of grade, and without any qualification as to the person, was to be regarded with particular sanctity, he took leave to say that the lives of the people of Ireland ought also to be regarded with particular sanctity. He would venture to say that in the towns of Belmullet and Ballina, more harm had been done to the cause of law and order, and the lives of the people, and the peace and tranquillity of the country, by the mal-administration of the officers of the police, than by any other party in the county he represented.

DR. COMMINS said, he had known the Irish police for 40 years, and he never remembered them to go about unarmed; they had always worn sidearms. Surely it was within the knowledge of the right hon. Gentleman the Chief Secretary that one of the rules issued from the head-quarters of the Constabulary in Dublin was that no Irish policeman should go on duty without his sidearms. The men always went about in two's, and, unfortunately, they carried themselves with a swaggering air; and the result of their demeanour, and the fact that they were an armed soldiery rather than a police, made them to be regarded as a kind of standing menace to the people. The right hon. and learned Gentleman the Member for the University of Dublin had insinuated that whatever imputations were made on the character of the police were entirely the result of the action of a section of the Irish Members during the last two or three years. Would the right hon. and learned Gentleman take a description of the Irish Constabulary given by an impartial foreigner 20 years ago?

THE CHAIRMAN: The hon. and learned Member must remember that the question before the Committee is simply as to assaults on the police.

DR. COMMINS said, that was so; and he desired, as much as anyone, to adhere to the question under discussion.

He maintained that the ordinary law was sufficient to protect the constable, and that if they were not trained into the adoption of an offensive manner, there would be fewer assaults upon them than perhaps there were. He had been just about to call attention to the opinion of an impartial foreigner. It had been said that the charges against the Constabulary rested entirely upon the testimony of a few of the Irish Members who sat below the Gangway on the Opposition side of the House; but he appealed to the evidence of Dr. Olenberg, a gentleman celebrated in German literature, who had travelled, 20 years ago, in Ireland. He did not know whether the right hon. and learned Gentleman had ever read Dr. Olenberg's beautiful book; but if he had not, he would point out to him that that writer's description of the Irish policeman was simply "a cosmopolitan ruffian." Well, he (Dr. Commins) was afraid that the Irish policeman was a greater "cosmopolitan ruffian" to-day than he was 20 years ago; and he was afraid that it was that same cosmopolitan ruffianism which had led to those scenes which had recently been witnessed at Belmullet and Ballina. Certainly, the existing law was quite sufficient for the protection of the police without giving them these extra provisions. If this sub-section were adopted in its unamended form, he believed it would be largely to stimulate those qualities which had made the police so offensive to the people.

Mr. MARUM said, that, having had a good deal of experience of the Irish Constabulary, he should not be acting fairly towards them if he did not say that he had always found them to be respectable men. He had had a great deal to do with them, and felt bound to testify to their good conduct and exceptional character. He altogether concurred in the observations which had fallen from the hon. and learned Member for the County of Mayo (Mr. O'Connor Power) with regard to the character of the men; but, at the same time, he was bound to admit that the officers in command of them sometimes acted very imprudently. They did so at Ballyragget—the Attorney General for Ireland might smile.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): I did nothing of the kind.

Mr. MARUM said, that the Ballyragget case had been investigated, and no punishments had been inflicted; but he must say that the officers in command of the Constabulary had acted very imprudently, and one person had lost his life through a stab from behind. As to the rank-and-file, however, he could not allow imputations to be hurled indiscriminately at them without rising to say what he knew about them.

Mr. T. D. SULLIVAN said, that if the Committee really knew what an Irish policeman was, there might be some hope of winning hon. Members over to the views of himself and his Friends. Their argument was, that the Committee had not the faintest idea of what were the character and functions of the Irish police. He would not pursue this point further; but this much, in justice to himself and all present, he felt bound to say for the Irish police—in many respects they were a body of men of whom Irishmen should be proud. They were, as had been said, the sons and brothers of the Irish farmers; they were true specimens of the Irish race, and very different were they from the pictures of the Irish people, from the type of Irishmen put before the eyes of the English people day after day in the illustrated journals of this country. They were a fine, able, and courageous body of men, and their faults, such as they were, were made for them by the Government under which they lived. They were a spoilt body of men. In any other capacity they would do credit to the country; but as policemen, they were failures.

Mr. T. C. THOMPSON said, he wished to explain, in a very few words, why he could not vote with his hon. Friends opposite on this occasion. They were now considering what was to be done to a person who assaulted the police in the execution of their duty. In the case of a common assault the punishment was two months' imprisonment or fine, and that was imposed by magistrates in Petty Sessions. They could eliminate that point altogether, because the Government had undertaken to put in the words "in the execution of his duty," or something to that effect. Now, then, they had to consider what was to be done to a person who assaulted a policeman in the performance of his duty. Persons were ordinarily indicted before a jury for that offence; but under this Bill there might be no jury. As far as he was concerned, he had not joined in the attack on the Irish juries. He believed they had endeavoured to do their duty. No doubt, in time of great commotion and political excitement, they might have been betrayed into some mistakes; but the Committee must look forward to the time when juries would be without reproach. Now, if a person was brought before a jury charged with assaulting a constable whilst in the discharge of his duty, and found guilty, he was liable to two years' imprisonment. But, under this Bill, a person would be tried before one legal gentleman, with an assessor, and, when convicted, his punishment would be limited to six months. He, therefore, contended that a person assaulting a policeman in the execution of his duty under this Bill would be in a much better position than he was in before. In the first place, he would not have to wait to be tried, but would be tried at once; and, in the next place, he would receive a mitigated punishment. He (Mr. Thompson) hoped that on that occasion no unwise speeches would be made, but that hon. Gentlemen opposite would lay aside their angry passions, and that the Amendment would be withdrawn.

MR. GLADSTONE said, there were two points before the Committee—one of them related to the Amendment proposed, and the case of the Government in asking for special legislation in regard to Ireland; and the other related to the general character of the police. Some of the speeches he had heard, and others that had been described to him, seemed to have been delivered by hon. Gentlemen with a very inadequate sense of that responsibility which they had mentioned, but which they did not seem to be alive to. It was a very serious matter if Members of that House described those charged with the execution of the law, in the circumstances Ireland was now in, in language of vituperation—for that was not too strong a word, considering the epithets which had been applied to the police. He must say it appeared to him that if it were true that this body of police in Ireland deserved the application of such epithets, they deserved a great deal more than having them applied to their character in speeches delivered in that House to-day, and, so far as the House was concerned, perhaps forgotten to-morrow. They ought to be embodied in specific charges; they ought to be embodied in some distinct and definite issue. But, if it were true that the Government intrusted the execution of the law in Ireland to men who deserved such a description, then, indeed, the subject was one of the utmost gravity, and one that ought not to be lightly dealt with. But these irresponsible epithets in passing speeches, delivered, perhaps, in a moment of excitement, but, at any rate, speeches which carried with them no practical responsibility, which were not brought to account, and which invited no test, and admitted of no test, whether they were true or false, was not the mode in which a matter so grave ought to be treated. No one had a right to weaken the arm of the Executive Government for the enforcement of the law, unless it were true that the charges could be made good, and proof given of the unworthiness of the Force. He must confess he believed, for the most part, there was a character of great novelty in these accusations. In general the character of the Constabulary in Ireland had been criticized upon grounds entirely apart from the character and conduct of those who composed it. The question that used to be raised was, whether it was a Force with too much of a military and too little of a civil character. But here were totally different matters. As to the courage and conduct of these men, he believed that from one end of the country to the other there was but one opinion. When those condemnations against the Irish Constabulary — as vague as they were strong, and as vague as they were violent—had been uttered in that House, it was but fair to place upon record the fact that they proceeded from a very small minority of Irish Members. They were not sustained by the general sense of the Representatives of the people, and their character had been such, and the moral impression produced by them had been such, that his hon. Friend (Mr. Thompson), sitting on that (the Ministerial) side of the House, who had made himself conspicuous beyond almost any of the English or Scotch Members in giving sympathy and support to the opinions of hon. Gentlemen opposite, had been repelled from that co-operation—he had been repelled by the character of those attacks. As to the arguments against the proposal of the Government, it was said that this Government had no case, because, since a recent date, there had been no attack upon a member of the Constabulary Force in Ireland. But he must say that when they were engaged in an operation of this description, and when they were introducing an enlargement of summary jurisdiction, it was necessary to proceed upon a basis of a general character. It was not necessary to prove specific cases, and to make good imputations and accusations, when they were making changes of this character. If they were making a change that was cruel and severe on any class of the community, the case would be different; but they were doing no such thing. They were giving a great mitigation of the sentence that might be inflicted. Under these circumstances, he begged the Committee to recollect that it was not in the power of any Government to come down from week to week, and from month to month, and ask Parliament for fresh Amendments to and a fresh adjustment of work of this kind. They must take a general view of what had been happening in Ireland, and what offences had come into vogue, and what dangers might be considered to have arisen on the horizon of the future. It was by these things they must be guided in making their proposals; and it was no argument in support of the contention of the unreasonableness of the changes to say that some months had elapsed since there had been an attack on the police in Ireland.

Mr. JUSTIN M'CARTHY said, he had not the good fortune to live in Ireland; therefore, he could not speak with the force of hon. Friends around him as to the character of the Constabulary. He had observed, however, that the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket), who did live in Ireland, spoke in strong terms of the statement to the effect that the Constabulary had been long armed with bayonets. Well, he (Mr. M'Carthy) could remember the Irish police much longer than the right hon. and learned Gentleman could. He could remember them 40 years ago, and he could say that in those days they used to wear the bayonet, the old-fashioned triangular sidearm. There had been no change in this respect, therefore, for at least 40 years. He wished to bring the Committee back to the real question before it—namely, was there to be a special protection for the police? Was there any special necessity for their protection? Had there been, recently, any increase in the number of attacks on the Police Force in Ireland? If the figures brought forward by the hon. Member for Sligo (Mr. Sexton) were incorrect, surely their incorrectness could be shown in the easiest possible way, and the Home Secretary could tell what had rendered this special legislation necessary. He understood that there had been no assaults on the police in Ireland this year arising out of agrarian crime. The Home Secretary had got into an exalted mood over the figures, and said he was not going to concern himself in replying to mere statistics. But how could they judge of a question of this kind without consulting the figures which the Home Secretary despised? The action of the Home Secretary recalled to his mind a dispute between two German philosophers, one of whom contended that to have and not to have were exactly the same thing. When the other, in reply, asked whether to have 100 dollars and not to have 100 dollars were the same thing, the first-named philosopher grandly declared that he could not concern himself about dollars. That was the mood of the right hon. and learned Gentleman—he could not concern himself about figures; but he (Mr. M'Carthy) being of a much humbler order of mind, and not knowing very much about the minutiæ of this question, owing to his long residence in England, wanted to learn something about the occasion for this special protection of the police apart from the existing very efficient laws. The hon. Member for Sligo (Mr. Sexton) had stated that there had been no assaults of an agrarian character on the police this year. He was convinced by that fact that there was no occasion for special legislation. He urged the right hon. and learned Gentleman for one moment to come down from his Olympian heights of statesmanship and give some practical justification for the extraordinary proposal he made.

Mr. CORRY said, he had abstained hitherto from taking part in these debates; but the attacks made on the Police Force on this occasion were such that he, as one who had lived for so long a time, and had seen and known, perhaps, more about the Irish police than some other Members from Ireland, wished to bear his testimony to their efficiency, and to the fact that they were a most respectable class of men, and performed their duties very satisfactorily. With reference to the assaults on the police, he was very glad to see this clause in the Bill, because he felt that the police were not so well protected as they ought to be, and he hoped the Government would stand firmly by the clause.

COLONEL O'BEIRNE wished to refute altogether the attacks made on the police by some hon. Members opposite. He had seen a great deal of the police, and had had occasion to compare their discipline and conduct with some of the best regiments in Her Majesty's Service. In regard to discipline and conduct, they compared very well with any regiment in the Service, and the attacks made upon them were quite unjustifiable.

MR. O'KELLY maintained that, notwithstanding the general good conduct of the police in Ireland, there were occasions when they were guilty of acts of gross violence towards the people, and when they conducted themselves in a most violent and disorderly manner. About a year ago there was some disturbance in the town of Roscommon, and the police very properly cleared the streets. But, while performing that duty, they broke into the houses of the residents and clubbed men who had nothing whatever to do with the disturbances; and in one case, while three or four of these policemen, were clubbing an old man in his own house, one of these very orderly policemen whom the Prime Minister loved to honour, was holding the old man's daughter at bay with a drawn bayonet when she was trying to protect her father. He himself had had an opportunity, on one occasion, of testing the tyrannical conduct of these police. Arriving in Roscommon about 11 o'clock one night, some of the boys of the town came down to meet him and formed a procession. There was perfect quiet and order in the town; but, suddenly, the County Inspector drove by on a car, and, seeing the procession, ordered four policemen to disperse it, although they were not interfering with anybody. The four policemen were drawn across the street in the dark with their loaded guns, which he found pointed in his face. That was an evidence of the good order of the policemen; but he was sure no soldier would be guilty of such an outrage, and no Government ought to permit such an act of ruffianism. It would, however, be useless to make any complaint of these occurrences, and no complaint was made of this instance.

THE CHAIRMAN: I hope any hon. Members who speak will speak to the Amendment, and not to the general conduct of the police.

MR. HEALY said, the Prime Minister had challenged hon. Members to bring forward specific charges against the police. The argument was that the conduct of these police led to assaults, and the Prime Minister said statements were made without being supported by particular cases. If anybody would turn to the Books of the House they would find that at least 1,000 Questions had been put to the late Chief Secretary in which allegations were made against the police, but which the right hon. Gentleman refused to inquire into. It was due to the present Chief Secretary to state that his conduct had been very different to that, for, in every instance of complaint, at least an inquiry had been made. The Prime Minister made two conflicting statements. First, with reference to the figures, he said it was not necessary to make good accusation and allegation; and then he said a general view must be taken of what had happened and was likely to happen in Ireland. That was exactly the position of the hon. Members; but they did not take up such an extreme position as to say that it was not necessary to make good allegation and accusation. But what right had the right hon. Gentleman to charge him with bringing vague charges against the police, when he himself made the statement that it was not necessary to make good allegation and accusation? The right hon. Gentleman had two voices—for Irish Members figures proved nothing; for him (Mr. Gladstone) they proved everything, and were incontestable. Irish Members had shown that this year there had been no assaults on the police arising out of agrarian cases, and the answer of the Prime Minister was that a general view must be taken. The arguments contradicted each other, and would not at all hang together.

Mr. REDMOND said, he did not share the view of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket), who eulogized the police in almost extravagant terms. At the same time, he did not entirely share the opinions of those who had, in an equally extravagant way, denounced the entire Police Force. No one felt more strongly than he that very many cases of cruelty, and almost barbarity, had occurred in regard to the conduct of the police. In particular cases there could be no question that very great cruelty had been perpetrated by members of the Police Force. And no one could read what happened at Ballina and other places, where even women had been stabbed to death by the police, without acknowledging that he was strongly of opinion that those cases did not afford justification for the general condemnation of the entire body. He would not enter more fully into this matter, as the Chairman had ruled that the conduct of the Constabulary could not be discussed now; but he thought he was justified in making that remark. But the case in favour of this Amendment did not rest upon a charge against the Constabulary Force. The case of Irish Members was simply that trial by jury had not failed in cases of assaults against constables, for the very simple reason that there had been no assaults at all; and only the Government could prove by figures that there had been cases of assaults by constables, and that juries had refused to convict. He submitted that they had absolutely no justification for the proposal in this Bill. The Prime Minister had said it was conceded that trial by jury must be abolished in certain parts of Ireland, and, therefore, the Committee could not go into each particular offence; but what he (Mr. Redmond) contended was that by Sub-section (*c*), which had already been passed, assaults upon constables were covered. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket), when he said there had been no assaults on constables, made the remark that a number of constables had been stoned to death; but surely a case of that kind came under other sections of the Bill, and Sub-section (*c*) provided that any person charged with an aggravated assault upon a policeman should be tried by magistrates without a jury. That provision covered all aggravated assaults against constables and trivial assaults, and for more important offences there was this special tribunal. But before the Government took this special tribunal, they were bound to produce evidence that trial by jury had failed in this respect. He did not think Sub-section (*c*) was at all required to cover aggravated assaults against constables, because previous sections, already passed, gave sufficient power for that purpose.

Mr. R. POWER desired to express his regret that so much heat had been thrown into this debate, and to say that he could not join in the wholesale denunciations which had been made of the Constabulary. He quite agreed that there had been cases in which they had acted very cruelly and unjustly, and he could give many such instances; but it was most unjust and unfair to describe a body of men like the Royal Constabulary—a class numbering 12,000 men—as a body of murderers, and he wished to enter his protest against such a charge. At the same time, he thought extra police protection was unnecessary and uncalled for, and that this clause would render the Constabulary Force more unpopular than it had hitherto been.

Mr. METGE said, he had had some connection with the police, and he also disagreed with the wholesale denunciations of that Force which some hon. Members had indulged in. At the same time, the argument that there had been not one iota of foundation for the charges against the police was manifestly false, because, over and over again, particular cases of misconduct by the Constabulary had been substantiated. The danger of this clause seemed to him to be, that while it protected the police, it afforded no protection to those cases in which the constables could use their authority to drive the people into the commission of those very assaults for which they would be prosecuted. He had in his mind a case where the police, acting on their own individual responsibility, had aggravated the people beyond the limits of human endurance; and in cases of that kind it was very hard that, while the police were to be afforded protection under this clause, the people would have no protection at all.

Mr. LEAMY said, he was inclined to oppose this Amendment, because, at the present time, the magistrates had power to give two months' imprisonment for assaults upon the police, while, under this Bill, they would be able to impose six months. He should not have seen much objection to increasing the period of imprisonment for assaults on the police, if the Home Secretary had accepted any qualification of the word "assault;" but he must not be held by the views he expressed as endorsing the serious charges which had been made against the Constabulary. In some cases he had condemned the action of the Constabulary as strongly as anybody, and his chief objection to the Force was its military character. If it were a civil force, as the police were in England, there would be much less objection to it.

Mr. CALLAN said, he had not risen before, because he found that he was only called upon to rise when there was no other Member to speak.

The CHAIRMAN: The hon. Member has twice made that remark. He imputes partiality to the Chair, and I must ask him to withdraw the expression.

Mr. CALLAN withdrew the remark, and expressed his regret that his hon. Friends behind him had selected the words "any constable" upon which to found an Amendment. He had known the Irish police officers; and he thought it only right, knowing the police as well as he did, to express his divergence from the opinion of those who had condemned the Irish Constabulary. He believed a great deal of the irritation complained of had been caused by the officers, and not by the men themselves. He considered the Irish Police Force a model Force for high character, and the conscientious discharge of their duties, subject to the unfair and undue influence of their superior officers.

The CHAIRMAN: The hon. Member must see that this Amendment is not on the merits of the police, but is only upon the question whether they are to be protected from assault.

Mr. CALLAN thought he had a right to discuss the conduct of the officers of the Constabulary.

The CHAIRMAN: I have told the hon. Member that he is out of Order in discussing the general character of the police. He must speak of the Amendment, and I must not warn him again.

Mr. CALLAN said, he had a right to discuss what the Constabulary was. He had heard hon. Members behind him discuss that point without being called to Order.

The CHAIRMAN: I have as much as possible tried to keep the Committee within the Amendment. I have constantly spoken of the irrelevancy of the remarks made. The hon. Member cannot speak on this subject, and this is the last time I shall warn him.

Mr. CALLAN said, he was simply speaking with reference to aggravated assaults on the police. Assaults with violence upon constables ought to be punished more than assaults on any other person. Many of the remarks made on the police had been made without a proper appreciation of the way in which they had done their duty, and he had endeavoured to point out that much of the ill-feeling against the police had been raised, not by their conduct, but by the conduct of their officers. He had never heard of an Irish policeman saying to a civilian that he would take him by the throat and throw him into a mill-race, if he said a word of opprobrium; but he had heard a Sub-Inspector say that. If the Sub-Inspector was to be allowed to use such language to a civilian, that would be a constructive assault, and he did not know why there should be extra punishment imposed upon a civilian if he used similar language to the police. The whole of the opprobrium and obloquy attached to the Police Force in Ireland was due to the action of the superior officers, and, therefore, he could not support the Amendment, although it had been proposed by some of his own Friends, and he should be obliged to walk out of the House if a division took place.

Mr. SEXTON said, he had not made any general charge whatever, and he was astonished to hear the Prime Minister dealing with general charges. He had simply asserted the proved competency of juries to deal with these cases, and referred to specific cases in Dublin and Mayo, and said that, in view of the agrarian nature of the services which the police had to perform, and the hardships which they had to undergo, it was desirable that the civilians should have the protection of the jury.

Question put.

The Committee *divided*:—Ayes 154; Noes 25: Majority 129.—(Div. List, No. 134.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he wished to add, at the end of Sub-section (*d*), the words "whilst in the execution of his duty or in consequence thereof."

Amendment proposed,

In page 3, line 39, after the word "law," to add the words "whilst in the execution of his duty or in consequence thereof."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

MR. PARNELL said, he would ask the right hon. and learned Gentleman whether he would not agree to leave the latter part of the Amendment out—namely, the words "or in consequence thereof?" The Amendment was vague, but it did not need very much alteration. He should be unwilling to divide the Committee on the matter; but, in order to put the thing in proper form, he would move to amend the proposed Amendment by leaving out the words he had mentioned.

Amendment proposed to the proposed Amendment, to leave out the words "or in consequence thereof."—(*Mr. Parnell.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, it would be impossible to accept the Amendment for the reason that, although a constable would be under protection in the immediate discharge of his duty, as soon as that duty was over—it might be whilst he was on his way to it or returning home from it—he would not be under protection, and that might be the most dangerous part of the business. The object of the words it was proposed to omit was to protect a policeman whilst he was going to or returning from his duty.

DR. COMMINS said, in England the time to go on or off duty was fixed by the Police Rules, and assaults committed upon them during the time they were going on duty or going off were considered assaults committed while they were on duty. It would be so in the case of the Irish constables, and there was no necessity for the alteration. It would be quite unnecessary to add the words, and their addition might do a great deal of harm. Suppose, for instance, a policeman, after his duties had ceased, or before he went home, called at a public-house, and suppose he there got into a row and an attack was made upon him, he would be able, if this Amendment were passed in its present form, to say that the attack was made upon him whilst returning from his duty. Or he might say that the assault was committed upon him in consequence of a duty he had performed six months before. In that way it would cover all cases of assault upon a constable, even in a case where one of these men intruded himself where he was not welcome. The Constabulary would be furnished with excuses, when they drew assaults upon themselves, to say they were attacked in consequence of some active duty they had performed.

SIR WILLIAM HARCOURT said, it could not be seriously contended that when a policeman had been on duty and was returning home that he was not to be protected. He might be going out on duty all night—could it be said that he was not to be protected on going to his duty in the evening or returning on the following day? What was the use of defending a man whilst on his beat if at the very instant he went off duty the protection was not to apply to him?

MR. T. D. SULLIVAN said, that under this Amendment a policeman would be under protection for an assault which might be committed upon him in consequence of what he had done six weeks before.

MR. SEXTON said, that policemen off duty were never assaulted in Ireland; whenever assaults did occur, it was when the policemen were in the act of discharging their duty, and, therefore, the cases cited by the right hon. and learned Gentleman of policemen being assaulted whilst returning from their duty were altogether imaginary. The Amendment he had on the Paper, proposing to limit the clause to agrarian offences, he should withdraw, as the matter had already been discussed, and he hoped the Home Secretary would reciprocate the spirit in which he did that by meeting arrangement by arrangement. He hoped the Home Secretary would follow the example of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket), who knew how to be impressive without being offensive, and who did not mistake invective for argument —who knew how to argue great political questions without indulging in abuse.

Amendment to Amendment, by leave, *withdrawn.*

Amendment (*Mr. Attorney General for Ireland*) *agreed to.*

MR. P. MARTIN said, he wished to add two paragraphs to the end of the clause to the effect that—

> "The expression 'unlawful assembly' shall mean an assembly of three or more persons, who, with intent to carry out any common purpose, assemble in such a manner, or so conduct themselves when assembled as to cause persons in the neighbourhood of such assembly to fear, on reasonable grounds, that the persons so assembled will disturb the peace tumultuously, or will, by such assembly, needlessly, and without any reasonable cause, provoke other persons to disturb the peace tumultuously;
>
> "And the expression 'riot' shall mean an unlawful assembly which has begun to act in a tumultuous manner to the disturbance of the peace."

He did think it was desirable there should be some definition of these two expressions, "unlawful assembly" and "riot," because, although they could be said to be words well known to the Judges, yet there had been some difference of opinion, even amongst Judges, when, defining those offences and explaining to a jury what acts rendered the parties accused of their commission liable. And the Committee ought also to look to the fact that it was not exactly a tribunal of Judges who would have to decide questions arising under this section, but that they would go before an inferior tribunal. He proposed, then, to make the law certain on this question, so that there could be no diversity between different tribunals. The tribunals should have some clear definition on which they could decide in cases of "unlawful assembly" and "riot" under the Act. If the Committee would remember the discussion that took place the other evening, they would agree with him that a greater proof could not be given of the necessity of a tribunal of this kind having this definition before them. The definition which the Chief Secretary had given of "an unlawful assembly" was certainly not one that should be adopted in the present day by the Judges. What he (Mr. P. Martin) believed to be the essence of an "unlawful assembly" was an assembly which was calculated, in the minds of calm and rational people, to produce danger to the peace and turmoil in a neighbourhood. It was not a question whether a meeting had assembled for an unlawful purpose; but, having regard to the language made use of, having regard to the persons present, and having regard to the acts of the leaders of the movement, whether the meeting would be likely to endanger the public peace. The definition which he proposed had been sanctioned by authority, and was, as he submitted, exhaustive and comprehensive. As he had stated, the tribunal that would have to judge of these cases would not be a tribunal that would be likely to have books of reference and authorities to refer to to guide them upon all the circumstances which went to constitute an "unlawful assembly;" therefore, was it not better that there should be a definition embodied in the Act? Without something to guide them, the magistrates, where five, or seven, or nine, or a dozen people met together for some purpose they might consider unlawful—as poaching—though those persons did not intend to, or, in fact, excited terror or dread to others, and the circumstances of their meeting were not likely to endanger the peace, might say, "This is an unlawful assembly, and comes under the Act." He wished to render it impossible for them to say that; and he wished, therefore, to lay down a definition to enable the magistrates to come to a certain and just determination. As they had attempted to give a definition of intimidation, he thought it was still more desirable that they should give definitions of "unlawful assembly" and "riot." In that belief he brought forward this Amendment.

Amendment proposed,

> In page 3, line 40, after "Act," insert—"In this Act, the expression 'unlawful assembly' shall mean an assembly of three or more persons, who, with intent to carry out any common purpose, assemble in such a manner, or so conduct themselves when assembled as to cause persons in the neighbourhood of such assembly to fear, on reasonable grounds, that the persons so assembled will disturb the peace tumultuously, or will, by such assembly, needlessly, and without any reasonable cause, provoke other persons to disturb the peace tumultuously;
>
> "And the expression 'riot' shall mean an unlawful assembly which has begun to act in a tumultuous manner to the disturbance of the peace."—(*Mr. Patrick Martin.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he had to congratulate the hon. and learned Member for the County of Kilkenny (Mr. P. Martin) that he had produced a definition which, as far as he (the Attorney General) could judge, was very correct indeed; in fact, he could not take any exception to it as a definition. He congratulated the hon. and learned Member on his research, his power of thought, and his originality in producing a definition that would stand the test of investigation. He was satisfied that no member of the English Bar could have produced such a definition; and, seeing that a member of the Irish Bar had been able to do it, there was surely no reason why they should not intrust the Irish Judges with the duty of attempting the same thing, especially when they had such a valuable *vade mecum* as this definition before them. He failed to see why, when they had the assistance of his hon. and learned Friend the Member for the County of Kilkenny, those whose duty it was to give the definition should not be able to arrive at a proper one. The question was, should they put any definition at all in the Statute? The Committee must bear in mind, if one person could produce a definition in that way, was it not dangerous that they, acting as a Legislative Body, should accept that one particular definition, to the exclusion of all other definitions? His hon. and learned Friend had said that, because they had the definition of intimidation in the Bill, they ought also to have definitions of "unlawful assembly" and "riot." But it was not correct that they had put the definition of intimidation in the Bill, and they had been found fault with by hon. Gentlemen below the Gangway opposite because they had not done so. If they had gone into a definition of that one offence, they would have had to define many other offences—such, for instance, as murder, treason, assault. He thought if they accepted this Amendment, the precedent would be a very dangerous one. Because his hon. and learned Friend had, with rare acumen, been able to discover a definition in one case—he did not know where else the definition could have come from but out of his own resources—it might be said that, therefore, they should define all other offences. The moment they accepted that Amendment, it would be for hon. Gentlemen opposite to say, "Why don't you define such and such an offence?" He trusted, therefore, that the hon. and learned Gentleman would be satisfied with the sincere compliment he (the Attorney General) desired to pay him, and would not insist on inserting his Amendment in the Bill.

Question put, and *negatived.*

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

Question put.

The Committee *divided:*—Ayes 176; Noes 34: Majority 142.—(Div. List, No. 135.)

Clause 6 (Unlawful associations).

MR. PARNELL proposed an Amendment, to insert, in Sub-section (*a*), after the word "is," the words "and persists in remaining." The sub-section seemed to him a very extraordinary one. It provided that—

> "Every person who is a member of an unlawful association, as defined by this Act, shall be guilty of an offence against this Act;"

and, then, turning to Clause 27 of the Act, defining "unlawful association," he found that the words "unlawful association" meant—

> "An association formed or carrying on operations (*a*) for the commission of crimes; or (*b*) for encouraging or aiding persons to commit crimes;"

and the term "crime" meant—

> "Any offence against this Act, and also any crime punishable on indictment by imprisonment with hard labour, or by any greater punishment."

While, by this 6th clause, membership of an unlawful association, as defined by the Act, was made an offence against the Act, by Clause 27 an association formed for carrying on operations for the commission of crimes, or for encouraging persons to commit crimes, was an offence against the Act; and thus it would happen that, if two magistrates held that any local association for tenant right, or otherwise, was an association formed for purposes of intimidation or for encouraging or aiding persons to commit intimidation, every member of that association, no matter how guiltless he might be of any desire to participate in encouraging intimidation or in intimidation itself, and no matter how much opposed he might be to intimidation, would be liable to be found guilty by a judicial decision of two magistrates that the association to which he belonged was unlawful. Every member of that association would be liable to be found guilty as a matter of consequence under the Act, and would be liable to six months' imprisonment with hard labour. His Amendment had a limiting effect, and he submitted that that was a proper and necessary effect in connection with this portion of the clause. His object in moving the Amendment—it might be possible to carry out the object in better words, and he would leave that to the Government if they accepted the principle—was, that where a judicial decision had been given that an association was an unlawful association, any member of that association might be entitled to escape punishment by withdrawing from membership.

Amendment proposed, in page 4, line 2, after the word "is," to insert the words "and persists in remaining."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, nothing could be further from the desire of the Government than that any man should be punished under this section for any act which he did not participate in. The meaning of this section was, that it should be an offence under the Act to be a member of an association which was defined in Clause 27 as an association for the commission or encouragement of crimes. He gathered that the hon. Member for the City of Cork agreed to that extent to the proposition that membership of such an association should be an offence.

MR. PARNELL: I have not agreed to that proposition yet, because I have not come to it.

SIR WILLIAM HARCOURT said, any person who was a member of an association which was formed, as would be shown by what was done, for the commission or encouragement of crime, would be guilty of an offence under the Act. No doubt, if any member of such an association showed that he was not in any way cognizant of the objects of the association, or in any way a party to the contemplation by the association of the commission or encouraging of crimes, that man ought to be protected; and, so far, he agreed with the hon. Member for the City of Cork. But he did not think this Amendment would effect that, because "is, and persists in remaining" might mean a man who had known all the time the character of the association, and that it was an unlawful association; and such a person ought not to escape penalties. If the hon. Member would be satisfied with his assurance that he would consider whether it would be possible to introduce words hereafter which should protect a person who was not cognizant of the character or the acts of the association, then the hon. Member's demand would not be an unreasonable one. The Amendment, however, went further than that, and proposed that no man, being a member of such an association, should be punished until after an adjudication upon the character of the association.

MR. SEXTON said, he was glad to find that the Government were willing to consider this Amendment, for the importance of it would be seen when it was remembered that in Ireland there were now several associations which it would be impossible to bring under the Act by this clause. He differed from the Home Secretary in thinking that a member of an association must necessarily know whether the association was unlawful or not. On the contrary, he submitted that the definition of an "unlawful association" was so complicated that even to Members of the House it was not easy to know whether an association would come under the Act as an "unlawful association." If the right hon. and learned Gentleman would carry his memory back to statements made earlier in these debates, he would see that it was impossible to say whether an association was unlawful. It was necessary to have a clear definition from the Judicial Bench as to the lawfulness or unlawfulness of any association before a member could be held guilty. Among the associations in Ireland there was the Ladies' Land League. One of the crimes under this Bill was taking forcible possession. One purpose of the Land League was to help families of political prisoners, and another was to aid the evicted farmers. Now, suppose the Ladies' Land League aided an evicted farmer, and so enabled him and his family to remain in the locality, instead of drifting away, and suppose some member of that family took possession of that farm from which they had been evicted, would the Ladies' Land League, because it had given a grant of money to that family, be held to have encouraged the crime of taking forcible possession, and would membership of that association be an offence under the Act? Then there was the Political Prisoners' Aid Society. It was certain that several of the crimes under this Act would be held to be political crimes. There might be cases of what were called "unlawful assemblies" under the Act which, in the opinion of the Irish people, were held to be political offences, and not ordinary criminal offences. Now, the Prisoners' Aid Society helped the families of political prisoners. Suppose persons who were convicted of taking part in an unlawful assembly, and suppose the Prisoners' Aid Society helped the families of those people, would the Society be held to have encouraged an offence of an unlawful assembly because they aided the families of the prisoners? Then there was the Home Manufacturers' Association in Ireland, whose object was to induce Irishmen to deal, as far as possible, with Irish manufacturers. There were at present many English manufacturers who sold goods extensively in Ireland, and had their agents in the country. If that Association, by public arguments or other inducements, prevailed on the people to transfer their custom from English manufacturers to Irish manufacturers, would it be held that the Association was an unlawful Association, because it had encouraged people to do what, according to the Act, would put the English manufacturers in fear of loss of business? That Society was formed for the express purpose of inducing Irish people to deal in native manufactures; and he wanted to know whether that Association, for inducing people to cease to purchase English manufactures, would be held to have put English manufacturers in fear of loss of business?

Sir WILLIAM HARCOURT said, it was not easy to answer questions put on the subject in this way; but certainly the last case put by the hon. Member could not be held to constitute a crime. With regard to the second case—namely, the Society for aiding the families of prisoners, whether political or otherwise—he did not see how anybody could regard that Society as committing or encouraging crime. Then, with regard to the Ladies' Land League, the hon. Member was getting on more delicate ground; and he should like a little more time to consider that point. There was a clear distinction between a Society which merely had charitable objects in view and an Association intended to bring about a breach of the law. One object might sometimes cover both; and it would be the business of the Courts to see what was the substance of the case; what the Association aimed at; what it was doing; and whether, under cover of charitable objects, it might not, in point of fact, be actively engaged in promoting a breach of the law. Therefore, in regard to the question of the Ladies' Land League, he could not give an answer at this moment. But, with regard to the argument that there must be a decision that an Association was unlawful before a member of it could be held guilty, he thought that the hon. Member would see that that was not the case. There might be an Association which it was perfectly clear was formed for the purpose of committing crime, and there might be an Association whose object was avowedly to promote some breach of the law, which would be an offence under the Act. In such cases it would be idle to say that there must first be a judicial decision, because the facts of the case would prove that the Association had those objects in view, and that every person who was connected with it must have known its objects. Therefore, it did not appear to him that it was necessary to have a decision antecedent to the operation of this clause.

Mr. PARNELL said, he was of opinion that the adjudication must take place before persons could be convicted as members of an unlawful Association, and the unlawful Association must first be declared to be unlawful.

Sir WILLIAM HARCOURT pointed out that the adjudication might be on the conduct of an individual who was proved at the same time to be a member of an Association. For instance, one, or two, or three men might be brought before a magistrate, charged with being members of an Association, which it was clear was for the purpose of promoting the commission of offences under the Act; and it might, at the same time, be shown that they were parties to the actions of that Association, and, therefore, perfectly cognizant of its objects. It seemed to him that such men ought not to escape punishment.

MR. PARNELL said, his point was with reference to an Association which had not been adjudicated an unlawful Association. Persons might be charged with being members of an unlawful Association—that was their offence; they had committed no other offence. The utmost limit or gravity of their offence would have been a subscription to the Association. Magistrates would receive evidence which would induce them to believe that the Association was of an illegal character; and that unlawful character would have arisen from the acts of persons other than those charged, who would not have been, in that case, guilty of any offence, except the single offence of having subscribed and enrolled themselves in the ranks of the Association. It might be that persons, owing to whose acts the Association was unlawful, had not become amenable; and what he wished to guard against was that any members of an Association, as soon as it had been adjudicated unlawful, should not be held guilty of an offence against the Act, merely because they had become formal members, but had not taken any part in the Association other than by subscribing money to carry out its political objects.

MR. SYNAN said, it appeared to him that the foundation of his hon. Friend's argument was this—If new offences were created by this Bill the public would not be aware of them until the Act came into operation, and until there was a judicial determination as to what were new offences; and, therefore, nobody ought to be bound by the character of those offences. If the Home Secretary would say whether new offences were created under the Bill, he apprehended it would be only fair that the public should have notice by judicial decision as to what those offences were; and until such decision was pronounced, a man ought not to be criminally liable for what he did not believe to be a crime. That was the plain distinction, which was the foundation of the hon. Member's argument; and it had not yet received an answer from the Treasury Bench.

MR. STOREY said, the force of this clause could only be seen when it was looked at in conjunction with Clause 4, which had already been passed; and he would show the Committee what that force was. Under Clause 4, if there were any Associations such as those already existing in Ireland, which drew all the labourers in a district from their work in order to create a rise of wages, which was a legitimate proceeding in England, and was commonly adopted by trades unions, that Association would be liable under this Act. And immediately that was done every member of that Association, which was a perfectly legitimate institution in England, became a member of an illegal Association; and, according to the Home Secretary, because of that fact alone, and not because of any act of his own, he became liable to punishment under this Act. If the Home Secretary could only convince a few Members of the Committee that that was not the case, he would have a great deal less work than he had now; but he (Mr. Storey), having had a great deal of experience of trades unions in the North, could assure the right hon. and learned Gentleman that if Clause 4 meant anything, it introduced a different state of the law in Ireland from that in England. It prevented in Ireland what was perfectly legal in England; and those members of an Association which did what was legal in England might be punished for simply being members of a similar Association in Ireland. In Sunderland it was a common thing in the shipyards for one body of men to draw other men out. That process was easily explained; there were certain superior workmen in the yards, and if they were drawn out the whole of the other workmen in the yard, who might, perhaps, number 10 times as many as the men drawn out, would be stopped in their work, and the employers would not be able to complete their contracts. Suppose an Association did that in Ireland. The Attorney General said that if men simply struck to benefit themselves, that would not be an illegal action; but if they struck in order to make their employer do something which he did not wish to do, then it became an illegal act. Upon that showing, members of an Association who struck for the purpose of securing some advantage to a certain class of men could all be put into gaol for six months, simply because they were members. What did the hon. Member for the City of Cork ask? The hon. Member asked that there should, first of all, be a distinct definition of any act that was illegal, and that was so slight a thing that the Home Secretary might agree to accede to the demand and make the law in Ireland the same as that in England.

Sir WILLIAM HARCOURT said, he was sincerely desirous to meet any objections upon this clause. The adjudication of an unlawful Association by a magistrate could only take place on proceedings against some individual; but the hon. Member seemed to contemplate some abstract decision of the Court upon an Association apart from any individual member of it. That could not be so; there must be some proceedings against a person who was a member of an unlawful Association. A man must know that such an Association was unlawful in the way in which everybody knew what was unlawful—namely, by the declaration of the law under Act of Parliament. When an offence was created by this or any other Act, it was stated to be an offence under the Act of Parliament; and if a man committed an offence, and was tried for that offence, he could not say that he did not understand it to be an offence, and that he ought to have had an adjudication before he could be held amenable. That was contrary to the whole of our legal procedure, and the only point the hon. Member had made seemed to be that there was a person who was not aware of the object of the Association of which he was a member; and, therefore, he ought to be protected. If the insertion of any words such as "being knowingly a member" would meet the case, he should be happy to adopt that course. It was not intended that every man who was a member of an Association which might contemplate unlawful purposes should be amenable if he could say that he was ignorant of its purposes. Such a man, he thought, ought to be protected.

Dr. COMMINS explained that what was wanted was that people might know beforehand what was to be or what was not to be the law, and should not be punished for what they did not know to be an offence. Here the difficulty arose as to what was an Association which would bring people within this clause. There was not a single decision or Act of Parliament in force, at present, which contained a provision of what was to be understood, from the point of view of a criminal lawyer; therefore, there was no warning to individuals, who might be punished, of what an Association was which would render them liable to punishment. The term "association" was the widest term in the English language. Walking, or dining, or talking to a man might be called an association, and there was nothing to limit the term in any way. He was not sure whether the hon. Member's Amendment would carry out all that was wanted. The mischief of the section would be seen if this 1st clause or sub-section was compared with the 2nd clause, which defined an illegal meeting. The Home Secretary had not given any answer whatever to the hon. Member for Sligo's question, because every one of the cases the hon. Member put could be held an offence without any straining of the law under this sub-section. A person collecting money for the relief of political prisoners; members of the Ladies' Land League, which sought to relieve evicted families; and persons subscribing to the Prisoners' Aid Fund might be held liable to punishment without straining the law. By considering Clause 7, the Committee would see how iniquitous this provision was. It was provided by Clause 7 that—

> "The Lord Lieutenant may from time to time, by order in writing to be published, in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety. Any person who is present at a meeting prohibited in pursuance of this Act shall be guilty of an offence against this Act;"

and then the 27th clause dealt with unlawful associations for encouraging offences against the Act. Suppose that half-a-dozen or more people formed a committee in any town and held a public meeting, the Lord Lieutenant might consider that dangerous to the public peace and prohibit it.

The CHAIRMAN: The hon. and learned Member is discussing a clause not before the Committee.

Dr. COMMINS said, he was pointing out that, taking this unlimited definition in the clause now under consideration with what arose under Clause 27, the mischief of Sub-section (*a*) would be seen. Take the case of a person on a committee formed to call a public meeting, and the meeting was prohibited, some person knowing nothing about the purpose of the meeting would be guilty of an offence under the Act, and the people who formed the committee to call that meeting would be held liable to prosecution under this section for having called the meeting, and thereby encouraged an offence against the Act. That was the most sweeping provision for *ex post facto* punishment that could be conceived. There ought to be some limitation, and he did not see any way of limiting the clause, except by giving persons warning by judicial decision as the hon. Member proposed.

MR. PARNELL said, if the Home Secretary would accept the words "who is a member of an Association knowing it to be unlawful," he should be happy to withdraw his Amendment. All he wanted to provide was that if any person who was a member of any Association formed in Ireland without knowing that the tendency of the Association was unlawful, or if, when he learned that, he withdrew from the Association, he should not be punished for the mere fact of having been a member. That was all he wanted, and it seemed to him that that could be met by making the subsection run in this way—"Is a member of an Association knowing the same to be unlawful." Then, after the first decision was given, and after the first person had been convicted for being a member of an unlawful Association, everybody would know that it was unlawful, and would have no excuse for remaining members of it. If they then retired they ought to be protected.

MR. T. C. THOMPSON said, he did not think the proposal of the hon. Member opposite (Mr. Parnell) quite met the case. Suppose, for instance, that a club in Dublin appointed a committee to secure the election of a Member of Parliament, and suppose that committee was found guilty of corrupt practices, then, under this clause, each member of the club would be liable under the Corrupt Practices Act. The committee must take care that an innocent member of a club, who merely used the club for dining and reading the newspapers, should not come under this Act through the actions of the committee of the club. That was a possible case, and it would be very unfair that an ordinary member of the club should be brought before a magistrate and punished, under this Act, for acts of which he might be perfectly innocent. The words ought to be made so clear that guilty knowledge should be brought home to any such person before he could be indicted.

MR. T. P. O'CONNOR said, he was of the same opinion as the hon. Member who had just spoken. What was wanted was that the Act should make an Association illegal before membership was made illegal, and that an innocent person should not be drawn into the network of this Act without receiving fair warning. While he opposed every clause of the Bill, he was inclined to think this the worst clause of the whole lot. Every Association of every kind whatever would come under this section, and he took issue altogether with the statement of the Home Secretary, with regard to the Prisoners' Aid Society. That Society would come completely under the Bill. Suppose a man was put into gaol for taking possession of a farm within six months after ejectment. This Society stepped in and gave assistance to that man's wife and family; therefore, they would be assisting in the commission of his crime. Taking possession of a farm was an offence under the Act, and by giving assistance to the family of a man imprisoned for such an offence, the Society would be encouraging the commission of crime. His hon. Friend asked that every Association should not be put down, and that fair warning should be given to members of the Association of proceedings against them for being members. He doubted whether the Amendment would effect that object. If a man was prosecuted for being a member of the Prisoners' Aid Society, the magistrate might say he knew when he entered the Society that it was giving assistance to the families of men who had committed an offence, and he must take it that the man was an intelligent person, and that ignorance of the law was no excuse. He thought his hon. Friend had better stick to the original proposal to insert the words "is, and persists in remaining a member of."

MR. O'CONNOR POWER said, he thought it was imprudent to use arguments which went far in excess of the proposal submitted to the Committee. The assent of the Committee was invited to the simple proposal to insert language which would prevent any guilty person escaping; and it was not necessary at all, as the hon. Member for the City of Cork seemed to think, that a decision should first be obtained upon the unlawfulness of an Association, because if a man was a member of an unlawful Association, and if it was shown that he was engaged in unlawful acts, his responsibility began before any decision was given. Therefore, he objected to using arguments which were absolutely unnecessary for the point in view. He agreed that the language proposed by the hon. Member for the City of Cork was necessary to protect innocent persons; and if that Amendment was accepted, the power to punish a person consciously a member of an Association would be as great as ever if the subsection read—

> "Is a member of an association knowing the same to be unlawful as defined by this Act."

The Government could proceed against such a person at once, even if no decision had been given.

Sir WILLIAM HARCOURT said, it was difficult in such a case as this to make Amendments on the spot before there had been time to consider the question; and as far as he could see his way at present, he was prepared to add after the word "who," in the first line, the word "knowingly," which would then govern all that followed. In Subsection (*d*) there were the words, "knowingly takes part in the proceedings of an unlawful association." That was of the same character as knowingly being a member of an unlawful Association, and it seemed to him that the word "knowingly" could be safely inserted. He was prepared to do that; but at the present moment he could not go further.

Colonel NOLAN said, he thought the hon. Member for the City of Cork was dealing with open Associations like the Land League, which might be or might not be legal, but whose objects were more or less well defined, while probably the Home Secretary was thinking of some secret Associations whose operations might be unlawful. It might be possible to reconcile the two views, and to carry out the object of the hon. Member for the City of Cork, by saying—

> "Any member belonging to an open Association shall not be punished until that Association has been declared unlawful."

A member of an Association whose object was known to be unlawful was himself acting unlawfully; and he thought the Government might draw up an Amendment on Report which might meet the two cases. It would be very hard if a person belonging to a well-defined Association, such as the Land League, whose objects were supposed by a great majority of people to be perfectly lawful, should be punishable. He thought such an Association would be a fair case for a legal decision before a member could be held guilty. He did not say secret Associations existed in Ireland, but there might be some, and in those cases it might be unreasonable to ask for a decision first.

Mr. LABOUCHERE said, he thought the hon. Member for the City of Cork would do wisely to accept the proposal of the Home Secretary to introduce the word "knowingly," and then, on Report, a further Amendment might be moved. He said this because it was exceedingly difficult to discuss this clause thoroughly until the Committee knew what an unlawful Association was, and that they could not know until they arrived at Clause 27, where unlawful Associations were defined. That definition might be open to certain alterations, and it would depend on such alterations whether it was sufficient to accept the word "knowingly," or whether other words would be necessary.

Dr. COMMINS said, it was clear the object of this clause was to put down agitation and bring all Associations within the summary jurisdiction of magistrates, and not under the ordinary law. He assumed that there was no intention to make any offences punishable under this clause which could not be punishable upon indictment for conspiracy. The law defined conspiracy and prescribed the evidence which must be produced. He would suggest that these words should be added to the first line—

> "Every person who is guilty of conspiracy by being a member of an unlawful Association,"

believing that that would completely meet the difficulty.

The CHAIRMAN said, the intention of the Home Secretary could only be attained if the hon. Member withdrew his Amendment. If the Amendment were withdrawn they would go back to the beginning of Clause 6.

MR. R. POWER considered that the question which had been raised should be deferred to Report. There was a great difference between the words—

> "Every person who knowingly is a member of an unlawful Association,"

and—

> "Every person who is a member of an unlawful Association;"

and he thought that in deciding which proposition they ought to adopt, they should leave it rather in the way which would be favourable to the person likely to be implicated, and which would give him an opportunity of escaping from penalties which he had incurred unconsciously. Under the circumstances, it would be much better to defer the matter to Report, and perhaps, in the meantime, the Home Secretary might see his way to adopt the words suggested.

MR. PARNELL said, he would have no objection to defer the matter to Report if the Committee considered that that would be the most desirable step to take. There appeared to be a radical difference between a clause which ran in this way—

> "Every person who knowingly is a member of an unlawful Association as defined by this Act,"

and—

> "Every person who is a member of an Association knowing the same to be unlawful."

What he wished to ask the Home Secretary was, whether the insertion of the word "knowingly" made it necessary, before a conviction could be made, that the person belonging to the Association should possess the knowledge that the Association was unlawful, supposing there was an absence of any illegal acts upon the part of the person accused? That was the end for which he wished to provide, because it must be remembered that this clause made it a crime for a person to belong to an unlawful Association, although he might not have committed any illegal act himself. The crime consisted in belonging to the Association. A man might belong to an Association in the most formal way; he might be desirous of leaving it when he discovered its illegal character; but the fact of having belonged to it made him guilty of an offence against this Act. He admitted that it was right that the Home Secretary should have time to consider the effect of the introduction of the word "knowingly" in different parts of the clause; but what he wished to ask the right hon. and learned Gentleman was this. Was it his opinion and desire that a person should not be convicted who had not committed any offence against this Act other than that of being a member of an unlawful Association, knowing the Association to be unlawful?

SIR WILLIAM HARCOURT said, the effect of inserting the word "knowingly" would be that a man must know that the Association he belonged to was unlawful before he would be liable to the punishment provided by the Act; a man must know that he was a member of an Association which had for its object the doing something which was made an offence under the Act. It was not necessary that the man himself must do any illegal act to bring him within the punishment of the Act; the very fact of his being a member of an Association which he knew to be unlawful was sufficient.

MR. STOREY said, the point was not yet clear. Let them suppose that this Act was to apply to England, and that an Association in England ordered a strike in the North, which strike was declared by the magistrates of the district to be illegal, would it be fair that a man in London should be punished for being a member of an Association which, in the North of England, had done an illegal act?

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, a man would not be liable under this clause if he was a member of an Association which did an illegal act, unless he knew that the Association was formed and existed for the purpose of doing an illegal act. If the word "knowingly" were inserted the clause could only be construed in that way.

MR. PARNELL said, he was very sorry to press the point, but it was one of great importance, and it was quite proper the Committee should understand what the Home Secretary meant in reference to it before they passed it by. The right hon. and learned Gentleman had said that a person could not be convicted unless he knew what the objects of the Association he belonged to were, and that if the objects of the Association were unlawful he could be convicted. But a person might know what the objects of his Association were, and yet not know they were unlawful. That was precisely the difficulty he (Mr. Parnell) felt in this matter. He was perfectly willing to leave it in the way just stated by the Solicitor General for England—namely, that a person should know that the objects of the Association were unlawful. It did not satisfy him, however, that a person should merely know that he was a member of an Association the objects of which were unlawful. The two things did not necessarily follow. A person might be, and very probably would be, before decisions were given under the Act, a member of an Association the objects of which were unlawful without his knowing they were unlawful. He did not wish to protect a person for one moment when that person knew that the objects of the Association to which he belonged were unlawful; and if the insertion of the word "knowingly" was only intended to strike at those who had really a guilty knowledge he would be perfectly satisfied.

Mr. STOREY said, the Solicitor General had not understood the point. The objects of an Association might be legal, but its operations might be pronounced to be illegal. Under this Bill a man might be put in gaol for six months for being a member of an Association whose objects were perfectly legal, but one of whose operations in a certain part of the country had been pronounced by two magistrates to be illegal. That could not be what the Home Secretary intended, and he hoped the right hon. and learned Gentleman would so modify the clause that no man should be punished for being a member of an Association unless the Association was known to him to be illegal. He would suggest that the clause should run—

> "Every person who is a member of an Association, as defined by this Act, which has been declared to be unlawful; or solicits or receives or pays any money for the use of such an unlawful Association; or uses any badge, &c. of such an unlawful Association; or takes part in the proceedings of such an unlawful assembly shall be guilty of an offence against this Act."

Such words would provide that the Association must first of all be decided and declared to be illegal before a member of it could be punished. In this matter the Government were going much further in Ireland than they dared venture in England.

Sir WILLIAM HARCOURT said, it was quite impossible to have the decision and declaration which the hon. Member wished. An Association could only be decided and declared to be unlawful by proceedings against some individual. He (Sir William Harcourt) was very anxious to meet the views of the hon. Member for the City of Cork (Mr. Parnell) if he could. A man must know that the object or the action of the Association to which he belonged was unlawful, and he would have that knowledge if he knew that the acts or the objects of the Association were such as were forbidden in this Act. The mere passing of this Act would be notice to a man that the doing or the contemplation of such acts would be unlawful. It was impossible to arrive at the working of a man's mind, except by the character of the acts contemplated or done by the Association; and an Association would be held to be unlawful if the end which it sought, or the means which it employed, were unlawful within the meaning of the Act. He had consulted with his learned Friends near him, and, at all events for the present, he could not propose to the hon. Member (Mr. Parnell) to do more than he had already proposed to do—namely, to insert the word "knowingly."

Mr. SEXTON said, that a little while ago he instanced the case of the Ladies' Land League. Every member of that League knew very well that one of its objects was to assist evicted families with grants of money. It might be a question, until there was a judicial decision, whether that object was lawful; because, suppose that either before or after the receipt of a grant of money any member of the evicted family were to take forcible possession of the house from which he had been evicted, a judicial tribunal might hold that the grant of money was an encouragement to crime. Until the Home Secretary said such grants were lawful, it would be quite impossible for the Ladies' Land League to know whether they were lawful or unlawful.

Sir WILLIAM HARCOURT said, he thought that most hon. Gentlemen were members of Associations having objects of that character. One of the most useful Associations in this country, and one which he, in his Office, did all in his power to encourage, was the Prisoners' Aid Society. Who had ever thought that because people aided a prisoner and his family they were encouraging crime? That was the very point the hon. Member had put. No one could form such an idea as that.

MR. MOLLOY said, the right hon. and learned Gentleman had just said that anyone convicted under this clause must know that the objects of the Association were unlawful within the meaning of this Act. What objection, therefore, could there be to the insertion of the words "knowing the same to be unlawful?"

THE CHAIRMAN: I must point out that that is not the Amendment before the Committee. The Amendment under discussion is that the words "and persists in remaining" should be inserted.

MR. PARNELL said, probably the best thing he could do would be to accept the statement of the Home Secretary—namely, that he would insert "knowingly" now, and consider the matter further between this and Report. He begged to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

SIR WILLIAM HARCOURT moved to insert, in page 4, line 1, after "who," the word "knowingly."

Amendment *agreed to.*

MR. REDMOND moved, in page 4, line 2, to leave out "as defined by this Act." His object in moving this Amendment was to raise the whole question of unlawful Associations as defined by this Act. Turning to Clause 27 of the Bill, "unlawful association" was defined to be any Association formed for the purpose of carrying on crime. Crime was defined to be any offence against this Act, and amongst the offences against this Act there were some the determination of which was to be left to the discretion of Resident Magistrates. Intimidation was a crime under the Act, and it had been held in some cases that the erection of huts for evicted tenants by the Ladies' Land League was intimidation. He presumed that the Ladies' Land League would be considered an unlawful Association. He did not know whether this was exactly the right time to raise a discussion on the words "unlawful Associations as defined by this Act," or whether he ought to wait until a later period of the Committee. His object was to raise the point of unlawful Associations on the first occasion that it appeared in the Bill, and for that purpose he would move the Amendment which stood in his name.

Amendment proposed, in page 4, line 2, to leave out the words "as defined by this Act."—*(Mr. Redmond.)*

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR WILLIAM HARCOURT said, he hoped the hon. Member would postpone the Amendment until they came to the 27th clause. If the Amendment were carried the definition of unlawful Associations would be left quite open.

MR. LEAMY said, he hoped the right hon. and learned Gentleman would remember what the hon. Member for New Ross (Mr. Redmond) had said with reference to the Ladies' Land League—namely, that in some cases it had been held that the action of the League amounted to intimidation. If, under this Act, the erection of huts for evicted families would be held to be illegal, the contention of the hon. Member that an Association for the erection of huts would be unlawful could not be disputed. The right hon. and learned Gentleman would therefore see the very great necessity there was for a clear and precise definition. He had no desire to prolong the discussion; but he would point out that it was the duty of the Committee to bear in mind what fell from the hon. and learned Gentleman the Attorney General for England last night. The hon. and learned Gentleman said—

> "In this Bill it was not intended to give a new definition of a crime well known at Common Law. . . . If they were introducing a new offence, they might be justly required to give a definition; but, as a matter of fact, they were dealing with a well-known offence."

The case had been put to the Committee; but his hon. Friend (Mr. Redmond) showed the necessity of giving a precise definition. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) had very frequently referred to the ingenuity of

Irishmen, and he had said—"If you give a definition of crime, the people will employ their ingenuity to find a form of crime not defined." The Committee and the Government ought to be well satisfied if the Irish ingenuity was so exercised as to keep the people within the law; and the Government ought, now that they were creating new offences, to tell the people precisely what the offence was, so that the people could avoid committing it.

Mr. SEXTON asked if the Bill would be limited to unlawful Associations in actual existence at the time the Act passed into law?

Sir WILLIAM HARCOURT said, it was not intended that the clause should be retrospective.

Mr. NEWDEGATE begged to ask the Home Secretary if permission would be given *carte blanche*, after the passing of the Act, for the formation of any Associations, however illegal?

Sir WILLIAM HARCOURT said, he did not know why the hon. Gentleman should address such a question to him. There was nothing in the Bill to give the hon. Member any such impression as he seemed to possess.

Mr. REDMOND said, that after what had fallen from the Home Secretary he would withdraw his Amendment, postponing the consideration of this very important question until they arrived at the clause which defined unlawful Associations. He presumed that as they had to meet again at 12 o'clock, there would be no objection to report Progress now.

Amendment, by leave, *withdrawn.*

Sir WILLIAM HARCOURT said, he hoped hon. Members would allow the Committee to finish this clause. He was going to move the omission of the latter lines of Sub-section (*d*); and if hon. Members would look at the page of Amendments, they would find there were really no important questions raised in the clause.

Mr. HEALY suggested they should go on until they reached some point of difficulty.

Mr. GILL desired to move an Amendment to Sub-section (*b*), which he wished should read thus—

> "Solicits or receives or pays any money for the use of an Association after it has been declared to be unlawful as defined by this Act."

His reason for proposing this Amendment was that the membership of very many Associations was formed by paying a yearly subscription at the beginning of the year. If a person paid a yearly subscription in January, he would be a member of the Association until the end of the year. Perhaps in March the Association might be declared to be unlawful, and the man might resolve to have nothing more to do with it. As, however, he had paid his subscription in January, he would still be a member of the Association, and he would have no means of disassociating himself from it. If the right hon. and learned Gentleman would say he would consider, between this and Report, whether he could not propose an Amendment having for its object the protection of men who had no desire to belong to Associations after they had been declared unlawful, he (Mr. Gill) would not now press his Amendment.

Sir WILLIAM HARCOURT said, he thought the insertion of the word "knowingly" would meet the case the hon. Gentleman had mentioned. If, on consideration, they found this would not be the case, they would take care the clause should be amended in the direction desired.

Mr. HEALY moved, in page 4, line 6, after "ticket," leave out "indicating connection with," and insert "showing that the person using same is a member of." The Government had proposed this clause with the intention of using it against secret societies. He presumed that the Government imagined that members of secret societies used some badge, possibly in their hats, to denote they were members of such societies. He feared the Government had made some mistake in introducing this sub-section. What was the meaning of the words "using any badge or ticket?" A man might have a Land League ticket, the Land League was proclaimed, the ticket remained in his house. The police were to have large powers of search, and if they discovered such a ticket they might hold that the person to whom it belonged belonged to an unlawful society. To guard against such a contingency, he moved this Amendment.

Amendment proposed,

In page 4, line 6, after the word "ticket," to leave out the words "indicating connection with," and insert the words "showing that the person using same is a member of."—(*Mr. Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR WILLIAM HARCOURT said, he did not see any objection to the Amendment.

Question put, and *negatived.*

SIR WILLIAM HARCOURT proposed to leave out the word "knowingly" at the beginning of line 8, inasmuch as the word had been inserted at the commencement of the clause.

Amendment *agreed to.*

SIR WILLIAM HARCOURT said, he proposed, in lines 10 and 11, to leave out all the words from the beginning of the line to the end, as those words seemed to be unnecessary, because taking part in the proceedings of any unlawful Association was defined by the Bill. The words proposed to be omitted were these—

> "Or of any meeting for the purpose of promoting the purposes of any such unlawful Association, or any of those purposes."

The use of these words seemed to him to be superfluous, and he therefore proposed that they should be struck out of the clause.

Amendment proposed, in page 4, lines 10 and 11, to leave out all the words after "thereof" to "shall." — (*Sir William Harcourt.*)

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived.*

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

MR. SEXTON said, before the clause was agreed to he should like to put a question to Her Majesty's Government. If Sub-section (*a*) of the clause were carried out in its integrity, the consequence would be that the members of unlawful Associations would die out, and there would be no necessity for the other sub-sections which followed—such, for instance, as soliciting or paying money, using any badge or ticket, and so on. He was at a loss to understand why all this elaborate, complicated, and useless machinery could not be omitted. Would it not be better to omit these sub-sections?

MR. PARNELL said, he thought the right hon. and learned Gentleman might give an undertaking to cut out the sub-sections mentioned by his (Mr. Parnell's) hon. Friend the Member for Sligo (Mr. Sexton) on the Report. They certainly seemed to be absurd, and would be of no use under any circumstances.

SIR WILLIAM HARCOURT said, he thought the suggestion was one that was very well worth attention.

MR. T. D. SULLIVAN asked whether the Proviso of which he had given Notice for insertion at the end of the clause could not be moved then?

THE CHAIRMAN said, the clause would come up afterwards.

SIR WILLIAM HARCOURT said, he proposed to deal with the matter in the same clause as that which he had already mentioned.

Question put.

The Committee *divided:* — Ayes 154; Noes 29: Majority 125. — (Div. List, No. 136.)

SIR WILLIAM HARCOURT moved, "That the Chairman do report Progress, and ask leave to sit again."

Question put, and *agreed to.*

SIR WILLIAM HARCOURT moved, "That the Chairman do now leave the Chair."

Question put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

MR. HEALY wished to ask Her Majesty's Government whether the House might expect the Amendments to be brought forward by the Government to be proposed on the following day; and, if not, if the Government would inform the House when they would be brought up? He had understood from the Chief Secretary for Ireland that they would be brought up as soon as possible.

MR. GLADSTONE: I am sorry the right hon. Gentleman the Chief Secretary is not in his place at the present moment; but I may inform the hon. Gentleman that no time will be lost in making progress with the Bill.

EJECTMENTS SUSPENSION (IRELAND) BILL.

Colonel NOLAN: I have to ask leave to introduce a Bill for the suspension of Ejectments in Ireland.

Mr. WARTON: I object.

Mr. SPEAKER: The Motion cannot be taken now.

Colonel NOLAN: I will put it on the Paper for to-morrow, and I will take the present opportunity of giving Notice that I will then ask the hon. and learned Member for Bridport if he will consent to take off his block?

MOTION.

PARLIAMENTARY OATH (MR. BRADLAUGH)—"GURNEY *v.* BRADLAUGH."

RESOLUTION.

Mr. LABOUCHERE begged to move the following Resolution:—

> "That leave be given to the proper Officer of this House to attend the Queen's Bench Division of the High Court of Justice with the paper writing subscribed by Mr. Charles Bradlaugh at the Table of the House on the 21st February last, and the copy of the New Testament named in the Journals of the House of the same date."

He said, he had not anticipated that it would have been necessary for him to make any statement in submitting this Resolution, because he took it to be the usual practice in all these cases that the Papers asked for were given as a matter of course, more particularly when the authorities of the House did not interpose any objection; but, as the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate) had given Notice of his intention to oppose the Motion, it would be necessary for him (Mr. Labouchere) to explain to the House, in as few words as possible, what was his object in submitting it. It was obvious that Mr. Bradlaugh either did or did not take the Oath at the Table of the House. After either taking the Oath or not taking it, Mr. Bradlaugh sat in that House, and an action was brought against him by Mr. Gurney for penalties. On Friday last he (Mr. Labouchere) presented a Petition on the subject, and on Monday he put on the Paper the Resolution he had now risen to move. On that occasion the Motion was put down for hearing during the time devoted to Private Business; but the hon. Member for North Warwickshire objected to its being taken, and it was not proceeded with. It was then put down at the end of the Public Business, and again the hon. Member for North Warwickshire objected. He (Mr. Labouchere) had received a letter that day (Tuesday) from the solicitor to Mr. Bradlaugh, in which he was informed that it was absolutely necessary for Mr. Bradlaugh's case that he should obtain the Papers now asked for, and that it was very possible that the case would come on within a fortnight. Therefore, it was desirable that Mr. Bradlaugh's solicitor should obtain the Papers as soon as possible. He (Mr. Labouchere) believed that the objection of the hon. Gentleman the Member for North Warwickshire was based on the idea that the Courts had decided that the present action was a collusive action. With the permission of the House, he would read what Mr. Bradlaugh's solicitor said in reference to the matter, and he thought the hon. Member for North Warwickshire would then perceive that he was entirely under an error. Mr. Bradlaugh's solicitor said—

> "In reply to your note, the action was not dismissed as collusive. The Judges said they believed the pleadings were so drawn as not to raise the real facts, and there and then they declined to try the case on demurrer. They required the pleadings to be amended, so that the whole of the facts might be raised, and the action tried by a jury. The amendments have been made, and the case is down for trial, and it is with a view to that trial that the documents are required."

He (Mr. Labouchere) had now explained the object of his Motion, which he now begged leave to submit for the acceptance of the House.

Motion made, and Question proposed,

> "That leave be given to the proper Officer of this House to attend the Queen's Bench Division of the High Court of Justice, with the paper writing subscribed by Mr. Charles Bradlaugh at the Table of the House on the 21st February last, and the copy of the New Testament named in the Journals of the House of the same date."—(*Mr. Labouchere.*)

Mr. NEWDEGATE: Mr. Speaker, I cannot concur in the very limited view of the scope of this Motion, which the hon. Member for Northampton has presented to the House. I may at once declare that I deny the assertion that the action promoted in the Court of

Queen's Bench—"Gurney *v.* Bradlaugh," on the 15th of May—the renewal of which is contemplated by this Motion, is not collusive, and I do so upon the authority of Mr. Justice Manisty; I assert that the action to which the Motion refers is collusive. I will read the last words which were uttered by the learned Judge in dismissing this case. They are taken from the shorthand writer's notes, and I think that they dispose of this part of the subject.

> "Mr. Justice Manisty: There is no controversy between you and the defendant?"
>
> "Mr. Bradlaugh: No, my lord."
>
> "Mr. Justice Manisty: Then there is an end to the case. Of itself, that would prevent our hearing it."

These were the concluding words of Mr. Justice Manisty when he dismissed the case; and he dismissed the case because Mr. Bradlaugh was obliged to acknowledge that there was no controversy between the plaintiff and Gurney, and himself, the defendant. I think, Sir, that no hon. Member will now dispute what was the opinion of Mr. Justice Manisty on the 15th of May, 1882, when he spoke as the mouthpiece of the Court of Queen's Bench. From the first, when this case of "Gurney *v.* Bradlaugh" was brought before them, both the learned Judges of that Court stated that the pleadings were suspiciously imperfect. It was this that led them—both Mr. Justice Manisty and Mr. Justice Watkin Williams—to the conclusion that the case was collusive; and I have read to the House the concluding words of the senior Judge, expressing their decision that the case was manifestly collusive, that conclusion being founded upon the defective nature of the pleadings, and at last upon the acknowledgment of Mr. Bradlaugh himself that there was no controversy between the plaintiff and the defendant, the Judges in consequence refused to hear the case. The suit rejected on the 15th of May and the suit contemplated by the Motion before the House are identical—the plaintiff and the defendant the same persons. Let me now call the attention of the House to the avowed purpose of Mr. Bradlaugh in attempting to bring under the cognizance and within the jurisdiction of the Court of Queen's Bench the Resolution by which this House condemned his conduct, when, on the 21st of February, uncalled by you, Sir, he came to that Table, produced a paper and a volume of some kind, I suppose it was a Testament, from his pocket, read the paper, kissed the book, threw the paper and the book on the Table, and then declared that he had duly taken the Oath. After that he was ordered to withdraw from the House; but, notwithstanding that order, he voted, and his vote was reported at the Table by one of the Tellers, the hon. Member for North Lincolnshire (Mr. Rowland Winn). Now, the object of this action is to raise the question whether that vote was valid, and for the further purpose of bringing the Resolution adopted by this House on the 22nd of February under the cognizance and under the jurisdiction of the Courts of Law, in manifest derogation of the position and rights of this House, which, as part of the High Court of Parliament, is superior to, and exempt from, the jurisdiction of the Courts of Law, especially as to the regulation of its internal proceedings, except so far as the House may think fit voluntarily to submit any part of its proceedings to the Courts. This the House has not done in the case of its Resolution of the 22nd of February last, which stands as follows:—

> "Resolved, that Charles Bradlaugh, Esquire, one of the Members for the Borough of Northampton, having disobeyed the Orders of the House, and having, in contempt of the authority of this House, irregularly and contumaciously pretended to take and subscribe the Oath required by Law, be expelled this House."

Immediately after this Resolution was adopted, the House adopted a Resolution ordering a new Writ to be issued for the election of a Member for the borough of Northampton. Mr. Bradlaugh has also avowed that he induced this fictitious complainant, Gurney, who, I believe, is a person resident in or near Northampton, to bring this pretended action, in order to give him the advantage of appearing as defendant. Is it not manifest, Sir, that this is a collusive action—a fictitious action? And, moreover, that it was brought for the purpose of bringing within the jurisdiction of the Court of Queen's Bench a Resolution of this House regulating its own internal state and proceedings, with no permission from the House itself. I would recall to the memory of the House that the Resolution of July the 1st, 1880, under which Mr. Bradlaugh sat for some time in this House, concluded with the words "subject to any liability by Statute." The Resolution is to the following effect:—

> "That every person returned as a Member of this House, who may claim to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, shall henceforth (notwithstanding so much of the Resolution adopted by this House on the 22nd day of June last as relates to Affirmation) be permitted, without question, to make and subscribe a solemn Affirmation in the form prescribed by 'The Parliamentary Oaths Act, 1866,' as altered by 'The Promissory Oaths Act, 1868,' subject to any liability by statute."

The Courts have fully considered the matter, which was thus virtually referred to them by the House under the words, at the end of this Resolution, which I have quoted, and the Courts have hitherto, up to the Court of Appeal, decided that Mr. Bradlaugh had no right to sit in this House after taking the Affirmation appointed for Quakers, Moravians, and Separatists as the equivalent to the Oath; and it is a very curious fact that the Court of Appeal decided finally —thus far the Courts have decided— that Mr. Bradlaugh has no right to sit and vote in this House. This has been the course of the case of "Clarke *v.* Bradlaugh;" and yet Mr. Bradlaugh has carried that case to the House of Lords. It appears to me, Sir, that the certainty that he would be defeated in the House of Lords impressed itself on Mr. Bradlaugh's mind, and that he then adopted the violent alternative, which led the House to pass the Resolution of the 22nd of February, to the effect I have quoted, on the Motion of the right hon. Baronet the Member for North Devon (Sir Stafford Northcote). The House declared, by an enormous majority, that the conduct of Mr. Bradlaugh, in presenting himself at the Table of the House, uncalled by you, Sir, and unattended by the Clerk, when you were not sitting in the Chair, but standing in front of the Chair, and were reproving him for his conduct, was irregular and contumacious on the 22nd of February. Mr. Bradlaugh appears to have changed tactics. The decision of the Court of Appeal in "Clarke *v.* Bradlaugh" was given on the 23rd. At first Mr. Bradlaugh endeavoured, by this novel proceeding, to procure from you, Sir, some assent to the pleadings which the Court of Queen's Bench has declared to be defective and of a suspicious character, and I will read the reply to that attempt, which was written by your direction. That reply was addressed to Messrs. Lewis and Lewis, Attorneys, of Ely Place, and is dated the 28th of March, 1882, and in the following terms:—

> "I am directed by the Speaker to acknowledge the receipt of your letter of the 27th instant, and of the copies inclosed therewith of the pleadings in an action, recently commenced, between Joseph Gurney, Plaintiff, and Charles Bradlaugh, Defendant. In reply, I have to inform you that the Speaker sees no reason for his interfering in any way with the proceedings now pending in connection with the suit in question."

I trust that the House will, on the present occasion, follow the example of your caution and of your wisdom, and not involve itself in any way in this suit. The request is, that an Officer of this House shall attend the Court of Queen's Bench with the book and the paper which, on the 22nd of February, Mr. Bradlaugh either threw or left upon the Table of the House. In the case of an individual, Sir, there is no choice but of compliance with a subpœna; but that is a totally different case from that of this House. This House cannot be compelled to send its Officers to any Court. This can only be done by an act of judgment and volition on the part of this House; and if the House were to consent to send any of its Officers to attend this fictitious suit, it would be held that the House had, to a certain extent, sanctioned that suit. I submit, then, that your caution was not at all over-strained in this case, and that by all its precedents in like (if there be any) matters the House is bound to inquire into the circumstances of the case coming on for trial, before it commits itself by an act of judgment to ordering its Officers to attend the Court. I am very reluctant to detain the House further; but I felt bound to have this case watched, as having taken an active part in support of Mr. Clarke in his suit against Mr. Bradlaugh, I wanted to know why Mr. Bradlaugh had shifted his ground. It is obvious enough, in my opinion, that he has little hope of defeating Mr. Clarke's action. He has shifted his ground, and is obliged to set up a fictitious plaintiff in order to get this novel action before the Courts. It is a collusive action, and condemned as such by the Court of Queen's Bench, which has refused to hear it on that ground. What does Mr. Bradlaugh propose to do now? With the permission of the House, I will read a paragraph from what appears in *The National Reformer*, which is acknowledged to be Mr. Bradlaugh's own paper. In the number of that paper of June 4 I find this paragraph under the head "Jottings"—

> "Although there is no disputed facts to be ascertained in Gurney *v.* Bradlaugh, this record has, in consequence of the decision of Justices Manisty and Watkin Williams, now been amended, and the suit will be set down for trial. After the trial it will again be brought before the Divisional Court for decision on the points of law as to the validity of the Oath taken, and of the Resolution of the House forbidding the taking. If the Divisional Court should then again refuse to hear argument, I shall appeal to the Court of Appeal, and if necessary to the House of Lords."

I might have read Mr. Bradlaugh's own words before the Court of Queen's Bench in support of the first statement with respect to this case which I made; but I am loth to detain the House longer. I have given that which is, in truth, a summary of the facts. It does appear to me, Sir, that if this House intends to maintain its independence and sole authority over its internal proceedings it must not depart from its original Rule, that it will not submit its proceedings, Standing Orders, or Resolutions, especially those referring to its own organization, to any Court whatever, unless it has been proved that there is some justifiable necessity for taking that course. The object of Mr. Bradlaugh is to impugn the authority of this House in regulating its own proceedings, and the means he has adopted of doing this is a collusive action. I trust that the House will have too much regard for its own dignity to take any step until it is fully assured by the hon. and learned Attorney General, or by some competent authority, that he is cognizant of the circumstances of the case, that the case for trial is real, and that there is some necessity, some justifiable necessity, for the appearance of an Officer of this House in the Court of Law. I therefore oppose this Motion.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the subject of the Resolution submitted by the hon. Gentleman the Member for Northampton was, as a matter of course, one that was entirely in the hands of the House, and it was with the House that the decision must rest. He, therefore, assured the hon. Member for North Warwickshire (Mr. Newdegate) that he was not endeavouring to guide or influence that decision in any way beyond what might be the effect of his own personal opinion on the matter. The statement he had to make on the subject before the House would be brief. It would be sufficient for his purpose to state that there were certain documents in the possession of the Officers of that House, and that those documents were deemed to be material to the hearing of the case to which the Resolution referred. The House would see that the Petition for leave to produce these documents was somewhat in substitution for the ordinary subpœna, which would be served on a subject whose attendance was required at the hearing of a suit; but here it was asked that an Officer of that House should attend with the Papers required. Under ordinary circumstances, the prayer of the Petition would, without doubt, be granted, and the House would permit its Officer to appear; and, without in any way acknowledging the jurisdiction of the Court or sanctioning any of its proceedings, that Officer would produce the documents thought to be necessary. The House had, therefore, to ask itself whether anything had been brought under its notice to induce it to depart from what was the ordinary course? It was said by the hon. Gentleman the Member for North Warwickshire that this action was a collusive action. These words, in the mind of a lawyer, meant a great deal; but he would ask the House to see whether this was really the case. It was well known that many suits which were brought before the Courts for the purpose of trying certain legal questions were commenced as friendly suits. This was frequently the case in the trial of questions affecting the settlement of wills, or the institution of suits for the purpose of determining matters of right in connection with real property, or the right to a water-course, or any other right on which legal questions such as these were constantly made the subject of friendly suits for the purpose of obtaining the decision of a Court of Law. But a collusive suit was a corrupt suit—a suit whereby the persons interested attempted to obtain some advantage against third persons. But, as far as he was able to gather from the statements that had been made in reference to the case under consideration, he assumed it to be the fact that the plaintiff in this action, being a friend of the defendant, had instituted a suit for the purpose of determining, as far as it could be determined, a question in which one of the parties had an interest; and this was a perfectly rightful course to take. But that such a proceeding could bind that House in any way was a very different thing. He was not suggesting that this could be the case; but only that the parties, who were friendly to each other, and who had one and the same object in view, had chosen to institute a suit, and so to shape the pleadings that the question at issue might be duly determined. It was an action for penalties—an action which one subject had a right to try, whether it was a hostile or a friendly suit. He would, however, again guard himself by saying that, in what he was saying, he had no wish to bind the House as to the decision to which it might come. If the House agreed to the prayer of the Petition, what was it it would do in allowing its Officer to appear with the Papers asked for when the suit was tried? It would be giving no countenance to the suit by taking such a step. If the suit had been wrongly instituted, and if it were held to be so wrongly instituted that the Judges thought they ought not to try the case, they would say so when the hearing took place. If the hearing were a wrong hearing, the Judges would so determine; if it were right that it should be heard, it would be heard; and the House, in directing its Officer to appear and produce the documents required in Court, would only be doing what it would do in any ordinary case. If the case were, as had been stated, a collusive case, the Judges, who would have the issue before them, would so determine; and it was for them to decide, and not for that House, whether the case was collusive. The hon. Member for North Warwickshire had stated that the Judges had decided that the case was collusive. He hoped the hon. Gentleman would excuse him for saying that he was afraid he had been mistaken as to a legal technicality, though he (the Attorney General) was not anxious to enter into the matter.

Mr. NEWDEGATE said, he had been assured that the Court of Queen's Bench had decided that the action was so collusive that they would not hear the case.

The ATTORNEY GENERAL (Sir Henry James) said, the case had come before the Judges on a demurrer, and the Judges had said that the parties had not raised the proper issue; and they had suggested that the issue should be raised in another way. The Judges having so determined, the matter was now coming on for trial. But that House could have no regard to these matters, and it had no proof of them before it; nor was it within the competence, nor suitable to the dignity of the House, to endeavour to try whether the action was a collusive action or not. He would give the House an instance. In the case of "Miller *v.* Salomons," the suit was brought as a friendly suit by a friend of Alderman Salomons, for the purpose of trying a somewhat similar question to that raised in the case under consideration. That was a trial to determine the right to sit in that House; but what was done in that case did not in any way control the conduct of the House. Supposing that in that case there had been an application for documents in the possession of the House, what would that House have said? Would it have said—"We decline to afford the person bringing the action the opportunity of having the documents asked for produced in Court?" If the House, in the present instance, refused on the grounds stated to agree to this Motion, it would have, in every other case that might arise, to determine whether, in its opinion, the action had been rightly brought, or was a friendly action. He would ask the House what evidence it had before it that this was a collusive action? The House was not the tribunal to determine these matters. If there was to be inquiry as to collusion between the parties, or as to the friendliness of the action, the tribunal to conduct, and the method by which to conduct it, was the Court, else the House ran the risk, which he was not willing it should run, of bringing itself into conflict with the Court when a subpœna was issued for the production of these documents. It was a conflict into which it was undesirable for the House to enter. He hoped hon. Members would believe that he was not desirous of entering into controversial topics; but he wished to regard the suit as one brought by A or B, and not against Mr. Bradlaugh, in which it would be no part of the duty of the House to decide how far there was collusion.

MR. NEWDEGATE was unwilling to interrupt the Attorney General; but it happened that he had been personally cognizant of the case of "Miller *v.* Salomons;" and he begged to remind the hon. and learned Gentleman that that case was heard by leave of the Court after Mr. (now Baron) Bramwell and Mr. Channel had corrected the pleadings.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he would take that instance from the hon. Member. It was a friendly suit under similar circumstances, and if the House did not allow these documents to go, would it not be said that because the majority of the House had been in conflict with Mr. Bradlaugh they would not allow that to him which had been done in the case of an ordinary suitor? Was it not more consonant with the feeling of justice? Was it not well to avoid giving the occasion for a further grievance by refusing this to Mr. Bradlaugh because of the decision of a majority of the House, of which he was not now making any complaint? He was sure the House would not allow its feelings to enter into the consideration of the case, and he believed it would be for the dignity of the House to pass this Motion.

SIR HARDINGE GIFFARD confessed there was a great deal in what had been said by the Attorney General, and he thought what had been said might prevail with the House if he had satisfied the House that this was a real action at all. He (Sir Hardinge Giffard) observed in the letter which had been read by the hon. Member for Northampton at the commencement of these proceedings that it was suggested that the learned Judges dismissed the action because the pleadings were imperfectly framed. It was all very well to say that, and it was a legal technicality which he would not go into; but it raised the whole question whether, on the one hand, this action was a farce—a burlesque that should not be permitted to go on; or whether it was a real substantial action, in which latter case he would quite agree if that could be established. Mr. Bradlaugh should be allowed that which any other suitor would be allowed. He would point out to hon. Members, not of the Legal Profession, that anyone could issue a writ and sue anyone else; but if it afterwards turned out, as here, that Mr. Bradlaugh procured some friend to issue a writ against himself, that was not an action at all. [The ATTORNEY GENERAL (Sir Henry James) dissented]. He saw that the Attorney General made a gesture of dissent; but he knew a case not very long ago when the Court of Appeal decided this very point, that it was not a real action at all.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he knew the case which his hon. and learned Friend had in his mind; but he was not quite correct. What the Court held was that a friendly action did not prevent a succeeding action.

SIR HARDINGE GIFFARD said, the Court decided that there was no action at all, and no formal judgment, though the parties called themselves plaintiff and defendant. If there was a bargain between them they were not really plaintiff and defendant, and the Court would not entertain such suits. He would not say that such was the case in the present suit; but he certainly thought that before the House was asked to come to a decision hon. Members should have before them a copy of the shorthand writer's notes of the statements upon which the Court of Queen's Bench determined. What the Court had determined, he understood—for he had not read the document quoted from by the hon. Member for North Warwickshire—was that they declined to hear the case upon the statement of facts the parties had thought proper to put before the Court, for the Court did not believe this was a real action, but a colourable performance in which parties were masking as plaintiff and defendant, whereas there were no real plaintiff and defendant; for this reason, the Court declined to sit in judgment. This was a mere demurrer, the Attorney General said; but if that was the case there was no traverse on the record as there would have been, and judgment would have been given under ordinary circumstances. Mr. Justice Manisty began by saying—"I decline to hear this case;" and Mr.

Watkin Williams said—"I prefer that it should be postponed until I am satisfied there is a real case of action." That was the language of the learned Judges; they considered it a sham action, and now the House was asked to make itself a party to this farce of trying a case in which there was no real plaintiff, and no real defendant. If this was the true condition of things, then the House should refuse to make itself a party to such a farce, and it was not consonant with the dignity of the House to allow its Officer to appear in support of such a collusion. If this was a true complaint the House should refuse the Motion. He did not know whether it had been established to the satisfaction of hon. Members, for probably few of them had seen the shorthand writer's notes; and he would suggest that the debate be adjourned, and that, in the meantime, the notes of the Judges' decisions should be presented to the House, for the House to form its judgment. If, in view of that decision, the House should come to the conclusion that this was no real suit, then he did not think the House would be consulting its own dignity in aiding a suit which, on that hypothesis, would be a solemn farce. He must say a word upon what the Attorney General had said as to the right of a suitor to bring any action. He entirely denied that any suitor had a right to bring a collusive suit, and learned Judges had more than once declined to entertain such actions brought for the purpose of ascertaining the opinion of the Court. As they had said, they appeared to try real actions and real causes of complaint; they did not sit for the purpose of giving an opinion in the form of deciding an action; and he must, therefore, protest against that which the Attorney General put forward as an absolute proposition, that anyone had a right to bring an action for the purpose of getting an opinion on a point of law. That view had been repudiated by Judges, and the House would do well to pause before it came to the conclusion that it should interfere, until it was found that this was a real action by a plaintiff to recover real penalties from a defendant, and that these terms were not masks assumed for another purpose. It would be much against the dignity of the House to aid and assist in any such performance.

Mr. WARTON said, he should like to know what the Attorney General meant when he said so modestly that he did not seek to guide the House? Were hon. Members free to vote as they would, or were hon. Members opposite to be influenced by the Government Whips? When the hon. and learned Gentleman sought to draw a parallel between this sham action and a friendly action, he somewhat misled the House. Friendly suits were well known in the Court of Chancery, when members of a family had conflicting ideas of the right to property; but these rights were real; and the parties might, if they chose, pursue their rights in a hostile manner; but, by arrangement, the suit was arranged—perhaps by the same solicitor—on either side, and the Judges could see at once that it was a real action, although the suit was called a friendly one. But in this case there was no real action, but an impudent defiance of the House on the part of Mr. Bradlaugh, in the same spirit with which he came to the Table and insulted the House. In the same spirit he carried on the insult now, and he would even prostitute the Judges, if he could, to be a party to his attack. As he had attempted to get into the House before, so he would make the attempt again.

Mr. E. STANHOPE said, so far as he understood the argument of the Attorney General, it came to this—that the House had not before it any real facts upon which to proceed; and he said, in effect, when certain allegations were made—Why not assent to the motion of the hon. Member for Northampton? But the House had no proof as to the position of the question, and, indeed, was absolutely ignorant on the subject. Most hon. Members, perhaps, had read a report in the daily newspapers; but beyond that the House knew nothing. Lawyers had expressed opinions on both sides, and it seemed to him that the only proper way to arrive at a determination was to have the proper documents before them on which to form a judgment. He referred to the Judgments delivered by the high judicial authorities in the suit of "Gurney *v.* Bradlaugh." He would, therefore, move the adjournment of the debate, intending, should the House accept that Motion, to follow it up by moving for the production of copies of the Judgments delivered in the suit of "Gurney *v.* Bradlaugh."

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. E. Stanhope.*)

The House *divided:*—Ayes 65; Noes 85: Majority 20.—(Div. List, No. 137.)

Original Question again proposed.

LORD CLAUD HAMILTON said, this attempt on the part of the Prime Minister to institute a new treaty with the hon. Member for Northampton was so exceedingly inconvenient that it should not be agreed to by the House, and he therefore begged to move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—(*Lord Claud Hamilton.*)

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he thought the House would be disposed to take a practical view of the question. The case stood for immediate trial; and if the House proceeded to an adjournment, the effect would be that by the operation of the Half-past 12 o'clock Rule the debate would be prevented from being resumed, and the result would be to precipitate that contest which he was anxious the House should avoid. It was only fair to the House that they should now be allowed to say whether the Motion should be accepted or not.

MR. NEWDEGATE observed, that the proposal of the hon. Member for Northampton (Mr. Labouchere) was, in his opinion, the very way to produce—an obvious means for producing—a conflict between the House and the Law Courts. The practice of the House had always hitherto been—especially with respect to causes touching its own proceedings—to refuse to allow an Officer of the House to attend a Court, unless the House was cognizant of the merits of the case; and if the House now consented to the Resolution, that, of itself, would constitute a departure from what had been the invariable rule and practice of the House. He was convinced that the proposal of the hon. Member for Northampton tended to embroil the House with the Courts of Law.

COLONEL NOLAN said, it was plain that the Conservative Party were resolved on a policy of Obstruction. They had taken the sense of the House, and immediately made another Adjournment Motion. It was on a piece with the proceeding which they had adopted early in the evening, when Notice was given of the unusual course of blocking the first reading of a Bill—the Ejectments Suspension (Ireland) Bill.

MR. GRANTHAM said, he thought it was desirable that the House should not take another division on adjournment. The Motion itself, no doubt, contained a difficult legal and technical point, and, so far as he was concerned, he could not support it; but as the House had agreed to the original Motion it was not wise to again divide on what would not be a fair test as to the real feeling of the House.

MR. CALLAN said, the hon. and gallant Member (Colonel Nolan) had stated that in consequence of some individual Member of the Conservative Party blocking some Bill—the Ejectments Suspension Bill for Ireland—that, therefore, he would take every opportunity to oppose anything brought forward by Conservatives.

COLONEL NOLAN rose to explain.

MR. SPEAKER: I must call on the hon. Member for Louth to confine himself to the Question before the House.

MR. CALLAN said, then, as an Irish Home Rule Member, he should take every opportunity of voting against any Bill or Motion brought forward by a coercive Liberal Party.

LORD CLAUD HAMILTON said, he viewed with suspicion anything that emanated from the hon. Member for Northampton; but, at the same time, after the appeal of the Attorney General, he would not stand in the way of the House, but would withdraw his Motion.

Motion, by leave, *withdrawn.*

MR. GRANTHAM said, it was the opinion of those who voted in the minority on the last division that they were not in a position to say what was the view which would be taken by the Judges as to this action, and that they ought not to support the Motion; but now that they had been beaten it was better for the minority to let the original Motion pass without voting upon it.

Original Question put, and *agreed to.*

Ordered, That leave be given to the proper Officer of this House to attend the Queen's

Bench Division of the High Court of Justice with the paper writing subscribed by Mr. Charles Bradlaugh at the Table of the House on the 21st February last, and the copy of the New Testament named in the Journals of the House of the same date.

House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Wednesday, 14*th June,* 1882.

MINUTES.] — Private Bills (*by Order*) — *Considered as amended*—London and South Western Railway *; North London Suburban Tramway *; Swindon, Marlborough, and Andover Railway *.

Public Bills—*Ordered—First Reading*—Baths and Washhouses Acts Amendment * [201]; Ejectments Suspension (Ireland) * [202].

First Reading—Petty Sessions (Ireland) * [203].

Second Reading—Copyright (Musical Compositions) * [161].

Committee—Prevention of Crime (Ireland) [157] —r.p. [*Eleventh Night*].

Third Reading—Local Government Provisional Orders (No. 4) * [159], and *passed.*

QUESTIONS.

EJECTMENTS SUSPENSION (IRELAND) BILL.

Colonel NOLAN asked the honourable and learned Member for Bridport, If he will remove his block to the Motion for leave to bring in the Bill for a suspension of ejectments in Ireland pending the discussion on the Government Arrears Bill ?

Mr. WARTON, in reply, said, with every desire to be courteous to the hon. and gallant Member, he must, on broad and general grounds, decline to answer the Question, as he observed that a practice was growing up of asking Questions of that kind which ought not to be put.

EGYPT—THE POLITICAL CRISIS.

Mr. BOURKE, in rising to give Notice that to-morrow he would ask the Government, Whether they had made any demand for reparation for the losses and injuries sustained by British subjects in the late disturbances in Egypt; or, whether they intended to make such a demand ? also said, that, having received a telegram from Alexandria, which led him to believe that apprehensions were entertained there regarding the interruption of the Mail Service, he wished now to ask the hon. Baronet the Under Secretary of State for Foreign Affairs, Whether the Government had received any intelligence confirmatory of such a report. He would also ask another Question now, and if the hon. Baronet could not answer it at once, he would give Notice of it for to-morrow. It was, Whether, considering that the Papers which had been promised to be delivered to the House next week, or the week after, would give very little information respecting the existing state of things in Egypt, the Government would not be prepared, either to-day or to-morrow, to make a general statement with regard to the condition of affairs in Egypt upon which hon. Members would be able, with the permission of the House, of course, to make observations.

Sir CHARLES W. DILKE: Sir, with regard to the Question about the Mail Service, we have not heard anything ourselves; but, through the kindness of the manager of the Peninsular and Oriental Company, I have seen a copy of the telegram to which the right hon. Gentleman refers. It is couched in very vague and general terms, and does not specially refer to the Mail Service, but speaks of probable danger to the Europeans in perfectly general terms, and there is no special reference to the Mail Service. [Mr. Bourke: Yes; the telegram does refer to the Mail Service.] Then it is not the same telegram as that which has been sent to me; and, in that case, I should like to see it, and, if necessary, I will make further inquiries about it. With respect to the request of the right hon. Gentleman for a general statement on the part of the Government as to Egyptian affairs, I fear that any statement in the absence of the Papers would be one on which it would be impossible for hon. Members to comment, because the whole case depends on a very considerable number of Papers, which we are trying to get out as soon as possible.

Mr. BOURKE: Are the Papers not ready? It is now some six or seven months since the Papers have been in progress. If the hon. Baronet had said that to produce the Papers would not be in the interest of the Publice Service, I could understand that that might be a perfectly valid reason; but when the Government have promised that they would produce them, I can hardly understand why they are not more advanced, seeing that they have been in progress for the last six or seven months.

Sir CHARLES W. DILKE: I do not know what the right hon. Gentleman means by talking about the Papers having been six or seven months in hand. It is not six or seven months. Those which were presented last week come up to the 5th of February. The Papers now being brought out are in three sections, the first section coming down to the 17th of April, the second to the 15th of May, and the third to the end of May. We are trying to get them all out together; but if there be any delay in that course, the sections down to the 15th of May will be brought out first. They are now in the stage of second revise; they have been to Paris and have been returned by Lord Lyons; and we have the observations of the French Government upon them. Sir Edward Malet's telegram with regard to them has not yet been received.

Sir STAFFORD NORTHCOTE: We can understand, Sir, that, of course, there must be some delay in the production of Papers of this character; but what the public and the House are interested in is to know something more than we shall know, even when the promised Papers are presented. Therefore, we do not so very much care for the Papers at this moment. Of course, whenever the time comes for reviewing the whole conduct of the Government in regard to Egypt, it will be important that we should have the whole of the Papers; but what we really desire now earnestly to know is what the present state of affairs in Egypt is; and, as far as it can be done, to know also, or have some idea given us of the policy which the Government are pursuing. What we wish, and what my right hon. Friend wishes, to ask tomorrow is, Whether the Government will not be prepared to make some general statement that will give us some knowledge and some satisfaction on these points?

Sir CHARLES W. DILKE: The Papers up to the 15th of May are absolutely essential to an understanding of the present situation, and no short statement that could possibly be laid before the House, without those Papers themselves, will be satisfactory. I can promise them in the course of next week; but the exact day cannot be named until we get a telegram from Sir Edward Malet as to what Papers he objects to and what he consents to appearing.

Mr. CHAPLIN asked the Under Secretary of State for Foreign Affairs, Whether his attention had been called to the alarming telegrams in that morning's papers as to the condition of the Army in Egypt. One of those telegrams, appearing in *The Times*, was dated Alexandria, June 13, 11.25 a.m., and it said—

> "Quiet continues, but the situation is extremely grave, as all depends on the goodwill of the Army, which begins to show signs of insubordination and of disliking the task of protecting the Christians. If the Army refuses to perform this duty there will then be terrible danger to all."

Another, dated Alexandria, midnight, said that while the soldiery at Cairo appeared to be perfectly orderly, at Alexandria—

> "On the contrary, it seems that the soldiers are insolent and triumphant. Europeans are jostled and treated with the greatest rudeness. . . . The general opinion here is that there are fears of disorder arising before any possible arrival of Turkish troops: and the Europeans would prefer all the risks of landing the allied Marines to the present insecurity. There is no doubt that the soldiers assisted largely in the scenes of disorder, and that the atrocities go far beyond all former ideas conveyed to you."

He wished to ask, Whether the Government were in possession of any information which led them to the belief that there was a good foundation for the statements in those telegrams; and, if so, he wanted to know whether the Government had taken any measures which, in their opinion, were adequate for the protection of British subjects?

Sir CHARLES W. DILKE: Sir, the statement that the soldiers assisted largely in the late riot at Alexandria is, according to all the information we possess, the opposite of the truth. The soldiers were perfectly orderly, and, according to all accounts we have received, helped to put the riot down and restore order. As to the apprehensions of future disorder at Alexandria, Dervish Pasha is certainly of opinion that he can maintain order in Alexandria. The same thing has been stated by him to the Sultan at Constantinople. He has also stated to the Consuls that he is perfectly convinced he can maintain order. The whole of the European Consuls have seen Dervish Pasha on the subject of the safety of the European residents, and he has made a very strong statement on the subject. He stated, indeed, that in the urgent circumstances of the case, he assumes a joint responsibility with the Egyptian Government in the preservation of order.

Mr. ONSLOW? What Egyptian Government? Who is the Government of Egypt?

Sir CHARLES W. DILKE: Sir Edward Malet, who arrived at Alexandria to-day, is not going on board ship, but will stay at an hotel in the town. Therefore, from all these facts, with the report of Dervish Pasha, and from the report of the Consuls, and from the fact that Sir Edward Malet is to stay at an hotel in Alexandria, instead of going on board an iron-clad, I do not understand that there is reason to apprehend further disturbance.

Mr. ASHMEAD-BARTLETT: I wish to ask the Under Secretary of State for Foreign Affairs, If his attention has been called to the following telegrams:—The correspondent of *The Daily News* at Alexandria says—

> "All the merchant ships in the harbour are besieged with refugees, and the steamers sailing are crowded with ladies, the men gladly taking deck passages. The position is a terrible one. We are entirely at the mercy of a few thousand soldiers. The fleet is no protection. Its presence here in the first instance, without troops to follow up the ultimatum, was the cause of the present disastrous situation. Unable to receive one-fourth of the families aboard the ships of war, and unable to act, their coming has been a delusion and a snare."

The very well informed correspondent of *The Times* says—

> "Ten days ago I quoted an authority I thought worthy of confidence, who said the only blunder left for the Powers to make, and that, perhaps, the greatest, is sending a Commissioner without troops. The warning was disregarded, and the blunder, having been committed, has proved the worst. On the same authority, I say, unless an overwhelming Turkish force be at Alexandria and Ismailia before Sunday, worse has yet to come."

Sir CHARLES W. DILKE rose to Order. He wished to know whether the hon. Member was in Order in reading a number of long telegrams from newspapers, and founding Questions upon them?

Mr. SPEAKER: Before the hon. Baronet rose, I was about to rise, in order to point out to the House and the hon. Member the extreme inconvenience of founding Questions on every telegram in every newspaper. I am bound to say that it does appear to me that, before Questions of such gravity are put, an hon. Member should take some measures to ascertain the truth of the telegrams.

Sir H. DRUMMOND WOLFF said, that the evident reluctance of Her Majesty's Government to give the House information of any kind as to what was going on in Egypt compelled him to take a course which he adopted with very great regret—namely, to move that the House do now adjourn. The hon. Baronet the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke) appeared to him to have abused the marvellous powers he possessed of compressing within the narrowest compass the least possible amount of information. He seemed also to have pushed to the extreme the theory that no Papers were to be laid upon the Table without the consent of another Government. No doubt, the difficulties they were now involved in were principally derived from their association with the French Government, which they allowed to seize Tunis without protest of any kind. At the time when the Control was established in Egypt, England and France were on good terms with the Caliph, the head of the Mussulman religion, and later on they received his assistance in deposing Ismail Pasha. Subsequently to that act of friendship on the part of the Caliph, Her Majesty's Government opened their career by what was now called the Naval Demonstration, which was to most Mussulmans taking territory from Turkey and handing it over to their enemies in Montenegro. They wound up that act by one which appeared to him (Sir H. Drummond Wolff) to partake of a filibustering character—namely, the proposal to seize the Custom House of Smyrna. Beyond that, they took no active steps to prevent the French Government from seizing hold of Tunis, and these two acts gave a colour to the Control of Egypt, which did not exist when the Sultan assisted them; and they were now debarred from commenting upon the conduct of their own Government, because the Government put everything upon the back of France—the action of that country being what had disturbed our relations with the Porte as regarded Egypt. On the 11th of May he asked the hon. Baronet the Under Secretary of State for Foreign Affairs, what steps the Government were taking to protect European life in Egypt, and he absolutely refused to answer; and from that time, down to the date when the House had been told that some ships were to be sent to Alexandria, the Government had refused to give them any information whatever. He had then asked for Papers, and the hon. Baronet said that the House could only have them with the consent of the French Government. But now that the French Government had given their consent, hon. Members were told that they could not have them without the consent of Sir Edward Malet. In other words, the Secretary of State for Foreign Affairs, having no policy of his own, was bound to ask and to accept the advice of one of his own subordinates. The excuse was most preposterous, and he (Sir H. Drummond Wolff) had never heard of such a case. They were, at that moment, in a very dangerous position in Egypt—dangerous to their own interests in the East, and dangerous, he believed, to the safety of their Empire in India. They were told that there was a gunboat at each end of the Suez Canal. Why was not a gunboat sent up to Ismailia? Why were they not told what steps were being taken to secure life and property at Alexandria? Over and over again he had asked what steps were being taken, and over and over again he had been refused any information. He laid much stress upon an agreement with France; but he maintained that they ought not to subordinate their own interests to those of France. France had raised this question by her action in Tunis. She had excited the suspicions of the Mussulman races throughout the world, imperilling their interests in the East, and, he believed, the safety of their Empire in India. It was monstrous that the Government did not give them any more information. They knew nothing later than the 5th of February. They could not get the Papers. One day they were told that the French Government would not agree to their production; and another day they were told that Sir Edward Malet had not agreed. In consequence of the great reticence of the hon. Baronet, a reticence unprecedented, and which had never been known in that House before, for they had never been tied to the skirts of a Government which had damaged and disturbed their relations with every other Power in the world—in consequence of that reticence, concealment, and vacillation, he might say imbecility, of the Government—he felt bound to take the course he had done, and to move the adjournment of the House.

BARON HENRY DE WORMS seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—(*Sir H. Drummond Wolff.*)

SIR CHARLES W. DILKE said, that the hon. Member for Portsmouth (Sir H. Drummond Wolff) had spoken of the evident reluctance of the Government to give information to the House. He (Sir Charles W. Dilke) ventured to assert that more late information had been given to the House in regard to Egypt on recent occasions than had ever been given before on any question involving dangerous points of foreign affairs. ["Oh, oh!"] He would appeal to the pages of *Hansard* to confirm that statement. The hon. Member for Mid Lincolnshire (Mr. Chaplin), who spoke a little while previously, had read things which were deserving of notice, and which seemed to him (Sir Charles W. Dilke) to be almost the exact opposite of what had been read by the hon. Member for Eye (Mr. Ashmead-Bartlett). That showed what confusion arose from reading telegrams from different newspapers, and immediately founding Questions upon them. The hon. Member for Mid Lincolnshire had said that the Europeans at Alexandria would prefer a landing of troops from the Fleet, with all the risks that might attend it, to their present position of insecurity. He (Sir Charles W. Dilke) had only to inform the hon. Member that the Government had the most perfect confidence in the tact, discretion, and courage of Sir Beauchamp Seymour, and that Sir Beauchamp Seymour had power to land seamen and Marines, to any extent he pleased, from the Fleet under his command. There were four ships cruising off the coast, three of which were able to go into the harbour of Alexandria whenever they pleased. Sir Beauchamp Seymour was in possession now of a very large force. There was also a large French force, and a considerable force belonging to the other Powers, who would be sure to land troops and Marines, if we did so, for the protection of their subjects. The Government were content to leave the question whether a force should be landed or not to the discretion of Sir Beauchamp Seymour. The hon. Member for Portsmouth had spoken of our relations with the Porte as though we were in quarrel with the Porte at the present moment. All he (Sir Charles W. Dilke) could say was, that our relations with the Porte were friendly in the extreme; and the language which had been used by the Sultan himself personally to Lord Dufferin showed an absolute agreement with this country in regard to the steps to be taken in Egypt. The hon. Member for Portsmouth had given the House his views with regard to the French alliance. It was with great regret that he said so, because he had a high opinion of the judgment of the hon. Member; but he could not but think that his language on that occasion had been mischievous in the extreme. It was absolutely impossible that he should follow him through the speech he had made; a Motion for the adjournment of the House at that time was always irregular, and it was extremely dangerous when made for the purpose of introducing discussions on foreign affairs. The only way of limiting that danger was for the Government steadily to refuse to be parties to any such discussion. With regard to the publication of the Papers, the hon. Member said he had never known a case where Papers had been delayed in order to obtain the consent of a subordinate to their publication. He (Sir Charles W. Dilke) would venture to say that there never was a case where that was not done. It would be impossible to obtain agents of repute to serve the country abroad if their despatches and the conversations between themselves and foreign Ministers were to be published without their consent. They could not get any man of character to serve the country abroad if that were done; and he would venture to say that on no occasion had despatches been published without their previous consent. He did not know whether the right hon. Gentleman opposite (Sir Stafford Northcote) was going to give any countenance to the Motion; but, speaking with a full sense of his responsibility, he must repeat the statement he had made just now—namely, that the language by which this Motion had been supported on that occasion was language of the most mischievous character, and was calculated to do great injury.

Baron HENRY DE WORMS said, he trusted that he should not be accused of any wish to embarrass Her Majesty's Government.

Mr. PUGH rose to Order. He wished to ask, whether the hon. Member for Greenwich (Baron Henry De Worms) was in Order in addressing the House now, having previously seconded the Motion for Adjournment?

Mr. SPEAKER said, that several hon. Members rose at the same time; and he was not aware that the hon. Member for Greenwich seconded the Motion.

Mr. WARTON: But as to the point of Order?

Mr. SPEAKER could not say that the hon. Member was out of Order, because several hon. Members seconded the Motion, and he did not accept the hon. Member as having done so, therefore he was entitled to be heard.

Baron HENRY DE WORMS, resuming, said, that if any embarrassment had been caused to the Government in regard to Egypt by the present discussion, that embarrassment was more directly due to the Government themselves than to the Opposition. He thought the very peculiar relations which existed, or which had existed, between this country and France, with regard to the Egyptian Question, would gain rather than lose by being thoroughly ventilated in the House. The hon. Member for Portsmouth (Sir H. Drummond Wolff) had pointed out that the policy of France and the policy of England were very distinct, or should, at all events, be kept quite distinct, in this Eastern crisis. France had adopted a line of policy of her own with regard to Tunis; and it would be dangerous in the extreme if this country were in any degree to follow the lead so given by

France. He could well believe that Her Majesty's Government was peculiarly embarrassed at the present moment, inasmuch as it must be extremely difficult for the Prime Minister—if he might use the expression—to eat the words which he used some years since with regard to the policy of the "unspeakable Turk." He quite conceived that Her Majesty's Government was very much embarrassed in having to go hat in hand, and to ask the "unspeakable Turk" not only to protect the Khedive, but to extend his gracious protection to Her Majesty's subjects who were now in Egypt. Then, on the other hand, the Opposition would not be doing their duty if they did not elicit, by the best means at their disposal, some statement of policy—if policy there was—from Her Majesty's Government. He was ready to accept the assurance of the Under Secretary of State for Foreign Affairs that it was very difficult indeed for the Government to give an outline of their policy, not, indeed, because it would be embarrassing to the relations of the Government with other countries, but because they had no policy at all. Some days ago he had inquired of the Prime Minister whether any steps would be taken to protect the Khedive, and the Prime Minister replied that the Khedive was in no danger whatever. If that was so, what was the reason of the sudden departure of the Khedive from the capital? They were told also by the Prime Minister that there was not the slightest apprehension of any danger to the Suez Canal, and that it could not be destroyed from the banks; but he was not aware of any scientific opinion corroborating that statement; and he ventured to think, from personal knowledge, that the Canal could thus be easily destroyed, and yet no steps were taken by Her Majesty's Government to prevent that catastrophe. But then he knew the Prime Minister held views peculiarly his own respecting the Suez Canal; he did not admit the paramount value of the Canal for our communication with India, and declared that the communication could be kept up with equal facility by way of the Cape. [Mr. GLADSTONE: Never.] He had been under the impression that such a statement had been made; but, of course, he accepted the denial of the right hon. Gentleman, and would withdraw the remark. Upon the occasion, however, of the purchase of the Suez Canal Shares, the right hon. Gentleman undoubtedly said that both financially and politically there never was a greater blunder made, notwithstanding the fact that 80 per cent of the total tonnage passing through the Canal was British. Politically, however, he (Baron Henry de Worms) considered that the late Government never took a more judicious step. For many years it had been considered that England was the arbiter of the Eastern Question, no country in the world having so great a stake in the East; but at present—to their shame be it said—that position, to which they were entitled, had passed entirely out of their hands. Germany was at the present moment the arbiter of the Eastern Question. In consequence of the policy of alternate conciliation and bullying adopted by the Government, they had alienated most of the Powers in Europe, without conciliating the remainder, and they now found themselves in the present extraordinary position they stood in with regard to Egypt. They had handed over to the Turk the power of interfering with their communication with their Indian Empire. At that very moment they were obliged to appeal to Turkey to support their influence in Egypt, and to take part in a Conference; and if the Conference was held, instead of British interests preponderating, they would be the last in the race. Their interests, instead of being paramount, would be set aside by other Powers whose interests were less than their own. They knew that Austria had considerable influence in the Eastern Question, but they had alienated Austria, and it was very likely that she would throw her influence in the scale against them. Again, no one could say that some day Russia might not once again hold out her hand to Turkey, and then the English people would be justified in throwing the whole blame upon Her Majesty's Government. Turkey was our old Ally, and if she had sinned against civilization, other Powers had sinned also. He did not wish to speak at any great length upon the subject now; but the present humiliating position of the country was due to the peace-at-any-price policy adopted by the Government, a policy which generally resulted in war, and against which he desired to enter his most earnest protest.

That Government not only did not protect the lives and property of British subjects in Egypt, but imperilled the best interests of our great Indian Empire.

Sir GEORGE CAMPBELL said, he certainly should not attempt to follow the hon. Member opposite (Sir H. Drummond Wolff) in the whole of the various questions which he had raised, and which were very much out of place at that moment; but he wished to express the very great regret with which he had heard the expressions of hon. Gentlemen opposite with regard to France. He was also specially surprised that they should raise the question of Tunis. We might think that France, for her own interest, and in the interest of Europe, was ill-advised in regard to Tunis; but this they knew—that it was an English Foreign Secretary—a Member of the late Cabinet —who invited France to go to Tunis. ["No, no!"] It was distinctly so. With reference to what fell from the hon. Member opposite (Sir H. Drummond Wolff) in connection with his repeated expression referring to the Sultan as head of the Mussulman religion, he should be very glad if he might be allowed, in Parliamentary language, to say that the hon. Member was talking nonsense. He would not go into the very debateable questions that had been raised; but he must express a strong hope and belief that if a peaceful French Government might see a reasonably peaceful solution of the question, we should not be dragged into war by the Liberal Government of this country. It must be admitted that the question had been greatly aggravated by the dreadful event at Alexandria. There was no minimizing that event. It had been a most serious disturbance, attended with great loss of life. But the Government were bound to take care that they did not listen to one side of the case merely. He had been about to ask the hon. Baronet the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke) a Question with regard to a telegram—not a vague and unsupported telegram, but one of apparent authencity—which appeared in *The Times*, regarding a statement made by no less a person than the Prime Minister of France, M. de Freycinet, who stated that he had received a detailed account of the origin of this disturbance. This was the statement attributed to him—

> "The origin of the unfortunate events was a quarrel between an Arab and a Maltese. The Arab's companions came to his aid, and Maltese and Greeks to the aid of the Maltese, and both Maltese and Greeks fired from the windows of the adjoining houses. Several Arabs were hit. The houses were then pillaged, and inoffensive Europeans were attacked."

If this statement was in any degree authentic, they must admit that the aggression was not wholly one-sided, and he had no doubt that the Government would take these things into consideration. The French Government had great interests in Egypt; and he must say as strongly as he could that if the French Government saw its way to a peaceful solution, he was confident that Her Majesty's Government would not drag us into violence and war.

Mr. ASHMEAD-BARTLETT said, that, in his opinion, the country would view with approbation the step taken by the hon. Member for Portsmouth (Sir H. Drummond Wolff). There was, undoubtedly, a general feeling of alarm throughout the country, and that alarm was justified by the facts. The European residents were in the greatest danger, and many of them were flying for their lives. In view of these circumstances, the Government had been asked to give some reasons for the belief that they were taking steps to protect British subjects in Egypt; but the House had been unable to obtain the slightest assurance on that subject. They wished to know what was the policy of the Government; they wished to know what they were going to do to secure the great interests of England in Egypt, and what steps they would take to maintain order and the predominance of this country? He regretted that he had not been permitted to read some extracts; and, with regard to those he had read, he had always understood that it was perfectly in Order to read short quotations from the newspapers to the House; in fact, the hon. Member for Mid Lincolnshire (Mr. Chaplin) had just previously read longer extracts than he (Mr. Ashmead-Bartlett) had, and without interruption. He should like to read one short sentence from *The Times* in support of his argument. The correspondent of that newspaper was well informed, and he said in his letter—

> "Unless an overwhelming Turkish Force be in Alexandria before Sunday next, worse has yet to come."

He had often asked the hon. Baronet the Under Secretary of State for Foreign Affairs Questions on that subject, and he challenged him or anyone to say that those Questions were of a captious or Party character. His whole object had been to point to one fact—namely, that the Egyptian Question could only be settled by cordial co-operation between England and the Porte. It could only be settled now by a despatch of Turkish troops. He contended that in default of any guarantees from the Government they were entitled to press for some information. The assertion of the hon. Baronet that the Government had given the fullest information possible was most inaccurate. It was like many other statements of the hon. Baronet, which sounded very well, but which proved utterly groundless when closely examined. It was clear that the Government had no policy—that they were at the mercy of events. But the state of Egypt would not admit of delay; great alarm was being caused in this country; and they were, therefore, justified in demanding some statement as to the policy of the Government in the future. As to the joint intervention with France, he wished to refer to that in the most moderate terms. He did not blame France for acting in this matter as seemed best for her own interests. But he blamed Her Majesty's Government for not considering, first of all, the just interests of England. To say the least, that joint intervention was most unfortunate. Our interests were only coincident with those of France so far as the financial stability of Egypt was concerned. But if they went one step beyond that, the interests of the two countries were undeniably diverse. Considering that the security of our Indian Empire largely depended on Egypt, and that six-sevenths of the tonnage which passed through the Suez Canal were British, he thought it would not be incorrect to say that our interests in Egypt were to those of France as six or eight to one. Another grave reason against the joint intervention was the action of France lately in regard to Tunis. By that action she had drawn down upon herself the hatred and detestation of the whole Mussulman world, and justly so. [*Ironical cheers from the Ministerial Benches.*] If those cheers were intended to emphasize a statement made by the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell) that the French annexation of Tunis had been brought about by the action of a Member of the late Government, he (Mr. Ashmead-Bartlett) denied the accuracy of that allegation. A suggestion might have been made, but it was merely in conversation. It was made as part of a general scheme; and it was quite certain that the late Government would never have consented to so flagrant a violation of International right and British interests. That statement, therefore, could only be accepted in the most general terms. It was well known that one reason why the Porte had not intervened hitherto more actively to put down the Egyptian revolution was that the Sultan was unable to do so, in view of the strong feeling in the Mussulman world against France. The British Government had tied themselves on to the policy of France; and the Ottoman Government, however disposed to unite with England, could not do so, because it was not English influence pressed upon them, but really French dictation under the cloak of a joint action. That was the position in which the Government found themselves, and he was surprised that statesmen should have allowed themselves to be drawn on as they had been. As far as could be gathered from the meagre Papers supplied to the House, it appeared that the Government had acted at the dictation of France. The Joint Note, which was the beginning of the difficulty, was actually drawn up by M. Gambetta. The action of that statesman was perfectly justifiable from a French point of view; but the Government ought not to have allowed themselves to be led by him. Another strong reason against joint intervention with France was the absolute instability of any French Government. Since the Republic had been established in France, there had been some 20 different changes of Ministry in a decade. It was a mistake, therefore, for the Government to ally themselves with that Power, instead of maintaining the invaluable understanding which had been come to between Germany and Austria and the late Government. It was well know that, as long ago as October last, the Sultan offered to put an end to the difficulty, and that he sent a Mission to Egypt to deal with that ambitious adventurer, Arabi Bey. That

Mission was actually chased from Egypt by the Government, acting under the dictation of M. Gambetta. He felt sure that the present difficulty would be put an end to by the despatch of Turkish troops to Egypt. No Power disputed the International right of the Porte to control the affairs of Egypt. If Egypt were the only question involved, the Government might be allowed to drift on; but they must remember that the question of our Empire in Central Asia went along with it. [*Ironical cheers.*] Hon. Members who cheered ironically, perhaps, thought that Arabi Pasha had not heard of the surrender of the Transvaal, of the retreat from Candahar, of the anarchy in Ireland, and of the Kilmainham Treaty. He begged the Prime Minister's pardon. He had forgotten the pain which it caused him to have that interesting transaction described as "the Treaty" of Kilmainham. He would gladly substitute the phrase used by Earl Cowper, the late Lord Lieutenant of Ireland, and describe it as "the surrender of Kilmainham." If Her Majesty's Government did not very soon reverse their unfortunate policy with regard to Turkey, the effect would be most disastrous to the power of England in the East. The effect of the action of the Government would be to alienate the Mussulman population in India, and to deprive us of the only assistance on which we could rely in the great struggle impending in Asia. He hoped the result of the discussion might be that they would obtain a declaration of policy from the Government.

Mr. GLADSTONE: Sir, the time of the House is valuable, and I would observe that the discussion, which has now been carried on for nearly an hour, is one in which the more responsible portion of the Party opposite has not thought it prudent up to this time to take any part, although they have had ample opportunities. I take notice of that circumstance by no means in the way of criticism, or of objection, but in the way of acknowledgment of the self-restraint and justice which have been shown by hon. Members opposite. Of course, Gentlemen like those who were connected with the Foreign Office, and who were generally responsible for conducting the affairs of the late Government in this particular in the late Parliament, are aware how difficult it is to do good by Party intervention in a singularly complex question at a critical moment, and how easy it is, by unrestrained indulgence of the expression of crude and irresponsible opinion, to do mischief in such questions. But, however, the House is in a happy position, because, although we have learned from the mouth of the hon. Gentleman who has just sat down (Mr. Ashmead-Bartlett) that the present Government allows everything to drift, and has no competency whatever to enforce right views, and no disposition to escape from wrong ones, and although the present Government is thus incompetent, the Opposition Bench is silent; yet the House and the country may have this consolation—that while all responsible persons, both those in Office and those out of Office, fall short of their duty, yet there are other Gentlemen in this House—and young Gentlemen, too, in this House—who are perfectly prepared to announce to us, without a doubt and without a difficulty, all that ought to be done, and all that ought not to be done, in what way, and by the most simple and summary process to solve the most difficult problems. I need not say that prominent in that band of distinguished and promising statesmen—in that band, and, indeed, more than prominent, I should say confessedly at its head—is the hon. Member who has just sat down. The main characteristic of that hon. Member is that the amount of information which he possesses in relation to foreign affairs is such that not only no Gentleman out of Office, but no authorized and established Department of the Government can, for a moment, compete with him. Questions that are difficult to them are easy to him. What is a crisis for them is no crisis to him; but only requires the application of common sense such as his to cause every cloud to vanish, and to bring back to us a clear sky, instead of a storm. I hope, however, before I sit down, to convey some real information, some degree of consolation to the mind of the hon. Gentleman, because, undoubtedly, he never fails in telling us pretty plainly what he means, and to that I will address myself; but before I proceed further I must say one word with regard to the speech of the hon. Member for Greenwich (Baron Henry de Worms). I must own that in general his speeches, since he has entered this House, have been distinguished by moderation and forbearance, so far as I have had occasion to notice them; but I am sorry to have to say that the character of his speech of to-day was not quite conformable to that rule. I say so, not because I wish to assume the office of a censor, but because he made a multitude of assertions which I do not wish to detain the House by noticing one by one, but which, at the same time, unless I did refer to them, I might be supposed to have admitted. One assertion, however, I must notice, for of all the extraordinary accusations in the world which the hon. Member has thought fit to bring against me, the most extraordinary is the one in which he charges me with having depreciated the importance of the Suez Canal. Surely the hon. Member cannot be aware—though he might be legitimately unaware, if he had not chosen to refer to the subject gratuitously—that at the time when the Government of this country, formed by the Party opposite, was opposing the making of the Suez Canal, I, with many hon. Gentlemen on this side of the House, took an active part in the debate in this House on the position of the Government, in urging that the resistance of this country to that most valuable work should be withdrawn, and that instead of opposing we should support it. He comes forth, under these circumstances, and accuses me individually, and, by implication, those with whom I have the honour to sit, of indifference to the importance of the Suez Canal. If the hon. Member does undertake to speak on those questions, he ought to improve his stock of historical information. Turning to the main question, Sir, I am bound to say that I cannot wonder—considering its extreme complexity, and the great interest of England in the East, and the strong and legitimate personal interest that many persons, both in and out of this House, feel in the fate of our fellow-countrymen, possibly their friends and relations, in Egypt—I cannot be surprised at some strong ebullition of feeling existing with regard to this subject. I am not surprised at the existence of such feelings, and I do not complain that they have found utterance in this House; and I will endeavour, as far as I can, in what I have to say, to avoid a controversial tone, observing, however, in the first place, that as we hope that next week the Papers on this subject will be in the hands of hon. Members, they will not take it as an unkind remark if I say that they will then be able to approach the consideration of this question with far greater advantage, after having had the opportunity of tracing the conduct of the Government in all the manifold stages of this subject, on authentic information, than if they approached it at present, when, with regard to these important and really critical matters, they have almost no authentic information in their hands. The information they have is incomplete and fragmentary, such as has been elicited in answer to Questions, and not by way of continuous exposition, by my hon. Friend the Under Secretary of State for Foreign Affairs. Now, the hon. Gentleman who has just sat down complained of us, in the first instance, because he says we have not answered a number of questions which have been put to us by himself and others. He asks—Is there to be an Anglo-French intervention in Egypt? Is there to be a Turkish military intervention in Egypt? and many other questions, to which he thinks we ought to have given categorical answers. My reply is, that to no one of these questions was it our duty to have given a categorical answer; on the contrary, we should have departed from our duty if we had given categorical answers to any of them; for, had we done so, we should have been merely limiting and curtailing liberty of action, not only on our own part, but on the part of all other Governments, and especially on the part of the Government of Turkey. Our business is to preserve that liberty of action; our business is to indicate the ends we have in view, and not the means by which those ends are to be attained. Those ends have been most distinctly and repeatedly stated by my hon. Friend the Under Secretary of State for Foreign Affairs. They are well known to consist in the general maintenance of all established rights in Egypt, whether they be those of the Sultan, those of the Khedive, those of the people of Egypt, or those of the foreign bondholders, or whatever they may be—that, in fact, the single phrase, that we seek the maintenance of all established rights, and the provision of due guarantees for those rights, is the description of the policy by which the Government is directed. With regard to the means to be adopted for carrying out those ends, I say that the specific measures ought not to be indicated, and that it would be a gross error and dereliction of duty on our part either to affirm what they are, or to exclude any specific measures that may be adopted. But in one important point I may make an approximation to the hon. Gentleman. I greatly lament what has been said here as to the Government of France. The Government of France has been struggling in the Legislative Assembly of that country with free, and possibly—I know not—very censorious comment; but certainly with a rather unrestrained comment and accusation, put forward in a manner to which some Members might find a parallel in some of the speeches and suggestions which have been made in some of the discussions in this House. But the Government of France, while feeling and labouring under the difficulties of this subject, has declared, in strong and unequivocal terms, its intention to labour loyally and heartily with the Government of England; and in these circumstances it is not for us to be behind the Government of France in declaring, on our part, an intention to reciprocate that feeling. But when I say that, and while I deeply deprecate all attacks upon the Government of a friendly Power so peculiarly associated with us in many portions of this matter, I do not intend to draw any distinction to the prejudice of other friendly Powers, least of all to the prejudice of either Germany or Turkey; and in these matters I have the satisfaction of telling the hon. Member that it is impossible for anyone to be more completely mistaken than he is in the assertion that he has made on this subject. I must say that his view with respect to the Government of France was most peculiar. He has laid down distinctly a portion of the outline of the policy which he says we ought to pursue. What is that policy? It consists of a close co-operation with France in the East, as far as financial interests are concerned, and sharp opposition to France the moment we get beyond the limit of those financial interests.

Mr. ASHMEAD-BARTLETT: Sir, the Prime Minister has, no doubt unintentionally, misrepresented me on two very serious and important points. In the first place, I made no violent attacks whatever on the Government of France. ["Oh, oh!"] I spoke with the best of motives; I simply said that French interests and our interests were divergent. In the second place, I did not advocate the joint intervention of France and England in financial matters. I merely said if we went one step beyond that our interests and those of France would become divergent.

Mr. GLADSTONE: I never said that the hon. Member had made any violent attacks upon the Government of France. [*Cries of* "Oh!"] I beg your pardon, but let any hon. Gentleman who chooses to interrupt me in that way prove that I did so by repeating what I said to that effect. [The right hon. Gentleman, who had resumed his seat, after a pause, rose again, and continued his speech.] I said that such attacks had been made. I did not refer to the speech of the hon. Member; but, if anything I have said appears to go beyond that, I beg the House will consider it to be withdrawn. What I said the hon. Gentleman did lay down was that the consideration for the co-operation with us of France in Egypt is a financial consideration, and that we should engage with her to that extent, but should offer opposition to her in all matters outside of that.

Mr. ASHMEAD-BARTLETT denied that he had made such a statement.

Mr. GLADSTONE: That is my understanding of the hon. Member's speech. I never used the word intervention. I said the financial co-operation of France as to financial interests; and if he disputes it, and says that I have misunderstood his meaning upon the point, I am exceedingly glad, because I think that a representation more vicious and more absurd than the possibility of our maintaining co-operation with France with regard to financial interests in Egypt, and then, at the point beyond that, commencing a recognized and systematic counter-working against France with regard to political interests undoubtedly could not be conceived. I am very glad to think that that is not the view of the hon. Member. The view of the hon. Member is this. He makes a charge against us. He appears, I think, to ridicule the idea of our endeavouring to work with the rest of the European Powers, and at the same time he complains, as the hon. Member for Greenwich had complained before him, that we had alienated almost all those Powers. Now, we accept the charge that we have endeavoured to work with the European Powers. That we accept, that we admit, that we profess, and, if it were a matter for boasting, we should be inclined to do so in reference to that point. But with regard to the alienation of those Powers, I say that there is not a shadow of foundation for the assertion that either the generality of those Powers, or any one of them, is at this moment otherwise than in hearty co-operation with this country. But I will go even further than that, and I will meet the hon. Gentleman on the point that he is most anxious about. He says—and I think justly says—that there ought to be, at this moment, a thoroughly good understanding and a spirit of co-operation between England and the Sultan. That is quite true; we recognize the fact that in dealing with this Mahomedan population the instrumentality—if influence were thought to be required—the instrumentality of Turkey is the best medium through which that influence can be exercised. And when the hon. Member sees the Papers, which will shortly be laid upon the Table, he will find that we have all along acted upon that principle. [Mr. ASHMEAD - BARTLETT dissented.] The hon. Gentleman naturally shakes his head without having seen the Papers. It is quite fair in the position of the hon. Gentleman that he should a little prejudge the matter. That I do not for a moment complain of; but I think when he reads these Papers he will see that my assertion is made good; and what I wish to say is this—that if there ever was a moment when that understanding and that spirit of co-operation was strong, clear, and unequivocal between the Government of Turkey and the Government of this country it is the moment at which I speak. I will not undertake to prophesy what is to happen to Egypt. My hon. Friend behind me, the hon. Member for Kirkcaldy (Sir George Campbell), has referred to the deplorable occurrence on Sunday last, and asked whether we are in a position to affirm that which is understood to have been said by the French Minister. I do not think, Sir, that information of so specific and pointed a character has come directly into the hands of Her Majesty's Government; but, undoubtedly, so far as our information goes, we are agreed with the French Minister in that which perhaps may be considered the most important point of the whole question connected with these deplorable disturbances—namely, that their origin was an origin which is properly to be considered as accidental, and as extraneous to the great Egyptian crisis of the present moment, although there is no doubt that when the quarrel had once broken out it found materials in a highly inflammable state of affairs, and therefore assumed dimensions which were of a dangerous and formidable character. But, without pretending to predict, I will venture to give the House this assurance—that while the great influences that can be brought to bear upon this question are many and various, I believe that, at the present moment, they are all firmly united and combined in the prosecution of a common course. There is the Khedive, as the Governor of Egypt, the whole of whose conduct during the last few critical weeks has entitled him in a marked degree to the confidence of all. Then the Sultan is, I believe, at this moment, acting in entire harmony with the Khedive—unquestionably he is acting in entire harmony with the Government of this country, and I firmly believe, and can, I think, confidently state, acting in entire harmony with the Government of every Power in Europe. As to the doubts which have been excited in the hon. Gentleman's mind with regard to Germany, I must say that no less than twice within the last 10 or 12 days Germany has distinctly supported the representations made to the Porte that it would be for the interest of all parties, for the interests of the Sultan as concerning his Sovereignty, for the interests of the Khedive, and of the people of Egypt, that the Conference should assemble in reference to affairs in Egypt, and has urged that those representations should be attended to.

SIR STAFFORD NORTHCOTE: Sir, I entirely recognize the justice of the view of the Prime Minister, that the present is not the moment at which we can properly or advantageously discuss the conduct of the Government with respect to the affairs of Egypt. At the same time, the right hon. Gentleman will, I think, see that it is not unnatural that the subject should be raised, and opportunities be taken of putting

Questions to the Government, and of expressing opinions upon a matter which has a direct personal interest for the people of this country. We must bear in mind that, if this is rather an irregular occasion for bringing forward this question, the House has surrendered the whole of its time to the Government, and, therefore, we must have a little latitude in the matter. I must also take the liberty of saying that I think the Government have, on one or two occasions, and especially in some of the answers given by the hon. Baronet the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke) to-day, adopted a policy of undue reticence, and that they have pushed that policy rather too far. The hon. Baronet tells us that we have to wait until next week for the presentation of Papers which will only bring us down to the 17th of May, and that even those Papers cannot be produced until there has been an opportunity of obtaining Sir Edward Malet's opinion with regard to them. Nobody doubts that it is the right and duty, and the constant practice of a Government, to communicate with and consult their agents as to the Papers which ought to be produced; but the question is, as to Papers so long back as the 17th of May, has there not been ample opportunity of obtaining that opinion? I cannot, therefore, understand why there should be delay with regard to the presentation of those Papers. Then, nobody can help feeling this—you have, at the present moment, a very great state of uneasiness with regard to the safety of British life and property in Alexandria; you have had a very alarming riot on Sunday last, which may have been—I dare say it was—accidental in its immediate origin; but which certainly was characterized by circumstances which show that there is a great deal more behind than a mere accidental quarrel which we may expect not to occur again. Questions were put as to the position of affairs, and how far proper precautions were taken for the safety of British subjects and others in Alexandria; and what does the hon. Baronet tell us? He says that Dervish Pasha, in connection with the Egyptian Government, has guaranteed their safety, and when asked what he means by the Egyptian Government, he intimates that he really does not know.

Sir CHARLES W. DILKE: If I may be allowed to make a correction, I said I was quoting from the words of Dervish Pasha, in which he says he was prepared to assume the joint responsibility.

Sir STAFFORD NORTHCOTE: Joint responsibility, with whom? [Sir Charles W. Dilke dissented.] The hon. Baronet speaks of a joint responsibility, and when I ask with whom, he can only shake his head.

Sir CHARLES W. DILKE: In order that there may be no mistake upon the subject, there is another telegram, I may state, from Sir Edward Malet on the same subject, in which he says that which is very obvious—namely, that Dervish Pasha, not as regards the objects of his mission, but as regards the one question of the security of life and property, was acting in concert with Arabi Pasha.

Sir STAFFORD NORTHCOTE: Oh! I am not now prepared to enter into any discussion upon what arises from that statement; but it is obviously a very important feature. Up to this moment we have no information as to what are the relations between Arabi Pasha and the Government of the Khedive, or the Turkish Commissioner, or anybody else. But it now appears that there are certain relations upon which I think it would be proper that this House and the country should have more detailed information. [Mr. Bourke: Can the Government give us any Papers?] I do not know whether it would be right to ask the Government whether they can give us any information on this subject? I wish to say, on the part of those who sit near me, that we are not anxious to precipitate this matter; but we do think the time has come when it would be very desirable that we should be told by the Government, in general terms, what the real state of Egypt is at this moment, and what is the position of these personages of whom we hear so much, and about whom so very different reports reach us from other sources. My right hon. Friend (Mr. Bourke) reminds me that a short time ago a demand was made for the exile of Arabi Pasha; but that is going into a question which, perhaps, would be more properly discussed when we know a little more. What I think the country ought to have is a further and more complete statement to give more relief to its anxiety than merely to be told that we have every confidence in Sir Beauchamp Seymour's readiness to land marines when necessary. Everyone knows that Sir Beauchamp Seymour is an officer of the greatest gallantry, and we can rely on his taking such measures as may be necessary; but have the Government nothing else to tell us on that subject but the reference to Sir Beauchamp Seymour? I hope that we shall be favoured, in the course of a day or two, with some further information from the Government with regard to the real state of affairs, and I hope also that measures will be taken to press forward the production of the Papers which are necessary to throw a light upon the subject, so as to enable us to form an opinion upon it. I do not know that there is any object in continuing this conversation; but I think it is not at all unnatural, nor at all undesirable, that this conversation should have arisen. I should be extremely sorry if anything that was said could cause any kind of difficulty or embarrassment between us and our Allies abroad, and especially the French Government. We have not the least doubt that there has been perfectly loyal action between the French Government and Her Majesty's Government; but we are not at present informed as to what that has been. But we can suspend our comments on the whole matter until we are informed what the real state of things is, and what is the present information Her Majesty's Government have to go upon.

Sir CHARLES W. DILKE: Sir, by the indulgence of the House, I may, perhaps, be permitted to make one word of reply to the speech of the right hon. Baronet opposite (Sir Stafford Northcote), and his request for further information as to the employment of Arabi Pasha's influence by Dervish Pasha for the protection of European life and property. The whole of the Consuls in Cairo, including the English and French Consuls, met Dervish Pasha on the subject of the steps to be taken for the protection of European life and property, and at the meeting they made no request to Dervish Pasha to appeal to Arabi Pasha, but merely insisted on measures being taken to secure European life and property. Dervish Pasha stated that he and the Khedive himself would take the necessary measures in connection with Arabi Pasha, without raising any question bearing on the general position of Dervish Pasha's mission, or the position of Arabi Pasha—but merely using an influence which *de facto* existed, and which Arabi Pasha possessed, for the immediate protection of European life and property. In reply to that, the Consuls expressed no opinion as to the position of Arabi Pasha, but stated that the measures which Dervish Pasha proposed to take were measures which they thought in themselves satisfactory as well as necessary.

Mr. BOURKE asked the hon. Baronet the Under Secretary of State for Foreign Affairs, whether the document which had been referred to, and which he (Mr. Bourke) called an Ultimatum, but which the hon. Baronet said was not an Ultimatum, was withdrawn at the time Dervish Pasha proposed that Arabi Pasha should assume the government of the country?

Sir CHARLES W. DILKE: We are not concerned, Sir, with the relations between Dervish Pasha and Arabi Pasha. We have nothing to do with those relations. We have merely stated what we thought it was necessary to do for the pacification of Egypt, and the protection of life and property, and we have withdrawn nothing at all.

Mr. ONSLOW said, the Government seemed to have been utterly mistaken throughout all these proceedings. The hon. Baronet the Under Secretary of State for Foreign Affairs and the Prime Minister told the House, in answer to certain Questions, that they had no fear with respect with the safety of the Europeans in Egypt. No sooner, however, were those words uttered than there occurred the breaking-out at Alexandria. They were also told that the Government did not think that the Khedive's life was in danger, and the hon. Baronet had said that Arabi Bey intended to be perfectly honest in his dealings with the Khedive, and that he had no intention of deposing him.

Sir CHARLES W. DILKE: When were those statements said to be made? Nothing of the kind has been said by me.

Mr. ONSLOW maintained that it had been said by the hon. Baronet that, in his belief, no molestation would be offered to the Khedive, SIR CHARLES W. DILKE: What I simply did, in connection with this matter, was to read a telegram from Dervish Pasha expressing that official's opinion to that effect.

MR. ONSLOW, continuing, explained that he wished to show how mistaken the Government had been throughout the whole of the proceedings. No sooner was the statement about the safety of the Khedive made than he had to bolt off to Alexandria. On a recent occasion he (Mr. Onslow) had put a Question with reference to the safety of the British subjects in Cairo. The hon. Baronet replied that Dervish Pasha had guaranteed their safety. Immediately afterwards, however, Dervish Pasha departed for Alexandria with the Khedive, so that now the lives of our fellow-subjects were at the mercy of the rebel and traitor, Arabi Bey. It was monstrous that that should be so. Considering the inflammable state of affairs in Alexandria, the Government ought at once to take strong steps to preserve the lives and property of the Queen's subjects. He would admit that there were difficulties in the way; but the Government ought to rise superior to them—in fact, they ought to have foreseen them. The Government had all along shown the greatest light-heartedness and indifference in this matter. They had rather pooh-poohed the difficulties of the case; and now they were in a horrid mess, relying upon Turkey to get them out of it. Notwithstanding what had been said, he (Mr. Onslow) had reason to know that the greatest apprehension was entertained, not only at Cairo, but at Alexandria and the Suez Canal. That day they had learnt that the passengers on board the Peninsular and Oriental Company's steamer and in other ships in the Canal feared that they might be attacked. Had the Government, he asked, done anything further to protect the lives of those who were passing through the Suez Canal? They had been warned two or three times how serious was the state of affairs, and on the heads of its Members would lie the responsibility if an attack should at any time be made upon the English in Cairo or at Alexandria. The Government, it appeared to him, had ignored what ought to be the primary consideration in connection with the great Eastern Question—namely, that the power of England should be paramount in Egypt. It was the duty of this country to remain allied with France; but, at the same time, it was equally her duty to put her foot down, and to show to the whole of Europe that England must have the master-hand over the affairs of Egypt. It seemed to him, however, as if France had bamboozled the Government of this country, for France appeared to be the paramount Power in Egypt, and all that we had done was to say "Ditto" to M. Gambetta. The Prime Minister had said that we were pledged to support the Khedive; but how were we going to support him should he be attacked—by moral force alone, or by physical force? Surely we ought to show him and the whole of Europe, by a physical demonstration, that we were prepared at all hazards to maintain his interests. He regretted that the Government should hitherto have treated the whole of this matter in an off-hand and somewhat shabby way. The hon. Baronet the Under Secretary of State for Foreign Affairs had given the House evasive answers, and the House had but little knowledge of the intended policy of the Government. If the people of India should see us, in connection with Egyptian affairs, giving way to Austria, Germany, or any other Power, our reputation in that country would be greatly jeopardized.

MR. JOSEPH COWEN said, that, in common with other hon. Members, he had no wish to press the Government unduly. He realized the difficulties of the situation, and was willing to make every allowance for them. The position of affairs in Egypt was critical, and it was not in the interest of the Public Service to press any Minister to make a statement that, in his judgment, could not be safely made. Upon that point there was no difference of opinion. What they complained of was, that the Government, in giving the information they were asked for, gave it reluctantly, and that what was got from them was got in a fragmentary, diffuse, and imperfect way. Language, it had been said, was invented for the purpose of enabling a man to conceal his thoughts. The language of his hon. Friend the Under Secretary of State for Foreign Affairs, in agreement with that saying, effectually concealed the policy of the Government; and it would pacify the natural impatience of the public, and the anxiety of hon. Members, if Ministers would make a clear, definite, and, as far as they were able, full statement of the position of affairs. They could state what had been done, and what, under certain conditions, they meant to do. If such a statement was made, this incessant system of interrogation would cease. He did not think that, up to the present, the Government had any reason to complain of the attitude taken by their opponents. Both the Opposition and the hon. Members on that (the Government) side of the House who were doubtful as to the policy they were pursuing, had exercised a reasonable reticence; but matters had now become so serious that something more than questioning had to be resorted to. The right hon. Gentleman the Prime Minister had made a speech which had interested and amused the House. He had bantered the hon. Member for Eye (Mr. Ashmead-Bartlett) pleasantly enough; but he had said nothing. Nobody was one whit the wiser when he sat down, He told the House that the Government wanted to maintain the *status quo;* but they knew that before. He had expatiated upon that indefinite entity called the European Concert, the merits of which the Prime Minister appreciated much more highly than he (Mr. Joseph Cowen) did. But beyond these two statements —both of which they were familiar with —no information had been vouchsafed. What did the Government mean to do? A few weeks ago, according to the statement of his hon. Friend, they issued an Ultimatum demanding that Arabi Pasha should be exiled; he was not arguing as to the wisdom or unwisdom of such a course of procedure, that was not the point under consideration. It was whether the retention of office by, and the remaining in Egypt of, Arabi Pasha was contrary or not to English interests and to the welfare of Egypt. His exile might or might not be desirable; but it was clearly the opinion of the Ministry that he should be sent away. But Arabi had not been banished. According to the statement of his hon. Friend the Under Secretary of State for Foreign Affairs, the rebellious Arabi was really master of the situation. He was left in sole charge of Cairo, the capital of the country. The Khedive was not able to send him away; Dervish Pasha did not seem to be willing; and the man whom the French and English Governments had determined should be banished had, in effect, well-nigh banished them. Now, they found that it was to this same man the authority of the State was committed, and on his word that peace and security at Cairo depended. The country would regard that as a very dubious proceeding, and would, he thought, look upon the Government as guilty of some inconsistency. Arabi either threatened our interests or he did not do so. If he did not, the Government ought not to have acted as they had done; but, if he did, then decided steps ought to be taken against him. They had heard something before of the Government depending for the restoration of peace in a country upon men whom they had declared to be guilty of treasonable practices. If Arabi Bey was not to be trusted we ought not to depend upon him. If he was to be trusted, and maintained in his position, what right had the Allied Fleets at Alexandria? They should be withdrawn and reliance placed upon the man who claimed to have authority in Egypt, and we ought to recognize his claim to act as the Representative of national feeling in Egypt. The Prime Minister had spoken in very cordial and complimentary terms of the Turkish Government. According to his statement, England was now on very friendly relations with the Porte. He (Mr. Joseph Cowen) was glad to hear it. It indicated a change in the policy of the country. The statement of the Prime Minister on the subject that day, and the statement he had previously made in the hearing of the House, contrasted in a very marked manner. The right hon. Gentleman used to talk about driving the Turks, "bag and baggage," into the Bosphorus or into Asia. [Mr. GLADSTONE: I never said so.] Well, he would not squabble about words. He would accept the right hon. Gentleman's denial; but the right hon. Gentleman could not deny that he and the majority of the Liberal Party had for years past advocated a strongly anti-Turkish policy. They despised and derided the Turk, and now they had to go and ask his help. Their line of action in the past and their line of action now certainly did not harmonize; and he could not help thinking that if some of the harsh things that were said of the Turk had not been said, the course of the English Government in the East would have been a little smoother than it was at present. One other remark he wished to make. The Prime Minister objected to a statement made by the hon. Member for Greenwich (Baron Henry de Worms) about the Suez Canal. But the right hon. Gentleman had misapprehended what the hon. Gentleman had said. It was quite true that the right hon. Gentleman from the first had been a supporter of the Canal project. Those who were familiar with the history of that undertaking, knew that when Mr. Roebuck submitted his Motion in Parliament respecting it, one of the ablest speeches made in support of the scheme was that of the Prime Minister. It was quite true, therefore, that the right hon. Gentleman was in favour of constructing the Canal, when many people were opposed to it. But what the hon. Member for Greenwich said was, that recently the Prime Minister had declared that even if the Canal was closed, our old way to India might be resumed without much disadvantage. During the Eastern discussions, he had repeatedly referred to the way round the Cape as an alternative passage to the East, which might be resorted to without much inconvenience. An occasion would soon arise when the whole policy of the Government in Egypt might be reviewed, and reviewed with more ample material at command than they now possessed; and in that event, what he (Mr. Joseph Cowen) and others wished the Ministers to do, was to permit full information about events as they proceeded, at least as far as the interests of the country would permit. There was no desire to be awkward with them, or to take advantage of them. So far as he was concerned, he had no wish to revive old discussions, or to twit them too hard with their inconsistencies. He was only too glad that they had come back to the national faith with respect to our foreign policy in the East. But still it was not reasonable to suppose that Parliament would be quiescent when such important events were transpiring, and there was such a paucity of intelligence concerning them from official sources.

Mr. CHAPLIN said, he would not have risen again; but he thought the information supplied by the hon. Baronet the Under Secretary of State for Foreign Affairs threw considerable light upon the alarming statements to which he (Mr. Chaplin) had drawn attention earlier in the day. The difficulty with which that information was extracted suggested to him (Mr. Chaplin) a resemblance between the present occasion and certain other transactions which occurred not long ago. He was, in fact, reminded of the suppressed paragraph about which so much had been said. There was a resemblance also between the policy now pursued by the Government in Egypt and their policy in connection with the circumstances to which that paragraph had reference. Were they to understand that it was to the agent of disorder in Egypt that they now looked for the suppression of disorder? That he understood to be the effect of the answer which was extracted with great difficulty from the hon. Baronet the Under Secretary of State for Foreign Affairs.

Sir CHARLES W. DILKE: I most distinctly stated that the Consuls had nothing whatever to do with Arabi Pasha; but their dealings were entirely with Dervish Pasha, and stated their reasons why they accepted the proposal of Dervish Pasha.

Mr. CHAPLIN said, he understood that to be the effect of the answer given by the hon. Baronet to his (Mr. Chaplin's) right hon. Friend the Member for North Devon (Sir Stafford Northcote). The hon. Baronet said he had assurances from Dervish Pasha that order would be preserved; but that was to be done through the agency of Arabi, and it might, therefore, be fairly said that it was to the very agents of disorder in Egypt that the Government looked for the suppression of lawlessness in the future. Meanwhile, no other measures had been taken for the security of the lives of British subjects at Alexandria. That was nothing but the Kilmainham compact over again. He was not surprised at the intense alarm felt just now by British residents at Alexandria, though the hon. Baronet said that from all the information he had received there was no legitimate ground for the apprehensions that had been expressed. But could it be that there was no ground for apprehension in such circumstances as these, when there had been already 115 murders of Europeans, to say nothing of others that might have occurred, but of which nothing was known?

SIR CHARLES W. DILKE: That is not our information.

MR. CHAPLIN: No; you never give us any information.

SIR CHARLES W. DILKE: That may be an amusing Party retort; but I stated that I had given the whole of the information the Government possessed in regard to the murders.

MR. CHAPLIN said, their precise complaint was that the Government did not communicate their information, and that, though the hon. Baronet said that never had more information been given in similar circumstances, those who were not in the confidence of the Government knew nothing beyond what they could gather from newspapers and telegrams from abroad. A few minutes ago the House did not know what steps had been taken by the Government for the protection of the British residents in Alexandria; but it now appeared that they were to be protected through Arabi Pasha, and, that being the case, he should not rest or be satisfied until they had extracted from the Government distinct information as to what steps they had taken, and would take in the future, to protect European life and property.

SIR WILLIAM HARCOURT: I do not rise to prolong the debate, but only to make clear what has been stated by my hon. Friend the Under Secretary of State for Foreign Affairs. The hon. Member for Mid Lincolnshire (Mr. Chaplin) charges the Government with having entered into relations with Arabi Pasha. [Mr. CHAPLIN: No, no!] Then I do not know what he means by talking about the Kilmainham compact——

MR. CHAPLIN: I asked this question of the Government—Is it to the agent of disorder that they look for the suppression of the outrages in Egypt? And, by saying that, I am speaking of what I was told, that it was the action of Dervish Pasha acting through Arabi Pasha.

SIR WILLIAM HARCOURT: The answer to that is perfectly plain and distinct. We look to Dervish Pasha, who is the Representative of the Porte, to whom hon. Gentlemen opposite have hitherto been willing to refer everything, as the Representative of the Sovereign of Egypt. [Mr. CHAPLIN: But what are his instructions?] What business have Her Majesty's Government to ask for a communication of the instructions of the Sultan to his own agent, except so far as the Porte chooses to communicate it to us? Can there be anything more extraordinarily inconsistent than the language of hon. Gentlemen opposite? They say, "You are not giving influence enough to the Porte;" and then they turn round and attack Dervish Pasha for his conduct. We look to him as the Representative of the Sovereign of Egypt, the Porte, in Egypt. That is why Her Majesty's Government look to Dervish Pasha. He gives us assurances with reference to the protection of life and property, and the hon. Member opposite (Mr. Chaplin) attaches to those assurances the epithet of a Kilmainham compact. That is no affair of the Porte and its Representative. ["Oh, oh!"] That is the hon. Gentleman's opinion of the conduct of Dervish Pasha, the Representative of the Porte. Her Majesty's Government are not responsible for what relations Dervish Pasha may establish with Arabi Pasha or anybody else. The relations he chooses to have with Arabi Bey is rather the affair of Dervish Pasha and the Government he represents. ["Oh, oh!"] I am stating a proposition which cannot be disputed. What Her Majesty's Government have done is, through the mouths of the Consuls, to ask Dervish Pasha to undertake the responsibility of protecting life and property in Egypt. What methods he has at his disposal, or chooses to take, he is responsible for to his own Government.

MR. J. LOWTHER said, that as the Government had stated that they looked to Dervish Pasha for the protection of life and property in Egypt, it was important that Dervish's position should be understood. It appeared, from what the right hon. and learned Gentleman the Secretary of State for the Home Department had said, that he was the Commissioner and, therefore, Representative of the Porte, the Sovereign of Egypt; though, on the other hand, a suggestion had been made that his position somewhat resembled that lately occupied by the hon. Gentleman the Member for Clare (Mr. O'Shea) in other well-known proceedings. As, therefore, some doubt had been thrown upon this matter, he (Mr. J. Lowther) thought, having regard to the fact that the lives and property of Her Majesty's subjects in Egypt were, in the opinion of the Government, dependent on Dervish

Pasha for their protection, that the Commissioner's precise position should be clearly stated to the House. The hon. Baronet the Under Secretary of State for Foreign Affairs had made no reference whatever during the discussion to a person who had occupied a very prominent position throughout the whole of these troubles—namely, Arabi Pasha. The Government had stated that they had in no shape or form recognized him, but looked to Dervish Pasha for the maintenance of order. It transpired, however, at the last moment, that Dervish relied upon Arabi for the fulfilment of this duty. Thus, the Government relied upon Dervish, and Dervish relied upon Arabi; but he would not pursue any further the schoolboy's calculation of the consequent relations between the Government and Arabi. There was, however, one question he would like to ask the Under Secretary of State for Foreign Affairs—Was Arabi Pasha present at the conference held between Dervish Pasha and the Consuls?

Sir CHARLES W. DILKE: If the right hon. Gentleman will give Notice of that Question, I will answer it.

Mr. J. LOWTHER presumed that, in that case, he might take it that the Government did not at present know whether Arabi was present or not. He would give Notice of the Question; and he would also give Notice of the further Question, Whether the Consul in Egypt had informed the Government of the details of the Conference with Dervish Pasha, but had omitted to mention the not unimportant fact whether Arabi had been present? Without wishing to prolong the discussion unduly, he would like to make one comment on the severe tone that had been adopted towards his hon. Friend the Member for Portsmouth (Sir H. Drummond Wolff). The hon. Baronet opposite had charged his hon. Friend with being guilty of a considerable offence in his reference to the Government of France; but the hon. Baronet should have noticed the emphasis laid by his hon. Friend on the necessity of cordial co-operation with that Government. The general observations of the hon. Baronet as to the great danger and impropriety of speeches made by Members of this House, in or out of it, which endangered our relations with Foreign Powers, were most sound; and it was a matter for regret that during the hon. Baronet's speech the Treasury Bench was not so well, or, at any rate, not so influentially, filled as it had since become, for his remarks upon that point were deserving of attention in that quarter, especially, of the House. The Prime Minister, who had since entered, had also justly deprecated unrestrained indulgence in the expression of crude and irresponsible opinion. The House was thoroughly with the right hon. Gentleman in deprecating observations which might eventually lead to a demand for inconvenient explanations from Powers at peace with Her Majesty. The right hon. Gentleman, while the hon. Gentleman the Member for Newcastle (Mr. Joseph Cowen) was speaking, had denied that he had said it would be an advantage to the human race if the Turks were driven, "bag and baggage," across the Bosphorus.

Mr. GLADSTONE: I never said a word about it.

Mr. J. LOWTHER: About what?

Mr. GLADSTONE: About going over the Bosphorus.

Mr. J. LOWTHER said, he was under the impression that the Bosphorus separated Europe from Asia. Of course, he at once accepted the right hon. Gentleman's statement.

Mr. GLADSTONE: I do not want the right hon. Gentleman's acceptance of anything. The thing is in print, and if the right hon. Gentleman takes the trouble, before he occupies the time of this House with such statements, to read the print it would be an advantage. I never said one word about the removal of the Turks from Europe to Asia.

Mr. J. LOWTHER said, that the right hon. Gentleman had kindly called his attention to a work in which this was printed. He (Mr. J. Lowther) regretted if his recollection was not accurate; but he thought he had not unfairly epitomized the statements therein expressed by the right hon. Gentleman when he indicated that Asia should henceforth become the exclusive residence of the official Turkish Power.

Mr. GLADSTONE: Never.

Mr. J. LOWTHER said, he should have great satisfaction in renewing his acquaintance with the work to which the right hon. Gentleman had referred; but, in succeeding in eliciting a general disclaimer of sentiments of that kind, he thought he had done a good service in drawing attention to the matter. The right hon. Gentleman had spoken of the co-operation of the Turkish Government with Her Majesty's Government on the present occasion.

MR. GLADSTONE: I have not spoken of that at all.

MR. J. LOWTHER said, he certainly must have greatly misunderstood the right hon. Gentleman. The hon. Baronet the Under Secretary of State for Foreign Affairs at least intimated that all the Powers, including Turkey, were thoroughly in harmony on this subject; and he (Mr. J. Lowther) understood that the Prime Minister offered this consolation to the hon. Member for Eye (Mr. Ashmead-Bartlett), that Germany and Turkey were co-operating most cordially with England, which amounted precisely to what he (Mr. J. Lowther) had just stated, and which had elicited the direct contradiction of the right hon. Gentleman, though he now qualified that contradiction with the further interlocutory interjection of "Now you've got it." He would only add a hope that the discussion would not terminate without some reply to the Question—Who was, and who was not, responsible for the maintenance of order in Egypt?

MR. GOSCHEN said, there was only one observation which he wished most respectfully to submit to the House, and that was, whether some of the speeches to which they had been listening, more particularly those of the hon. Member for Mid Lincolnshire (Mr. Chaplin) and the right hon. Member for North Lincolnshire (Mr. J. Lowther), were calculated to promote the object they all said they had in view—that of protecting the lives and property of Europeans in Egypt. It seemed to him a most serious subject, and he confessed he was surprised that, on the occasion of discussing a matter so serious to this country, and touching so deeply the feelings of many who had relatives in Egypt, they should have heard allusions to "Kilmainham treaties," and other matters totally unconnected with the subject, and giving rise to roars of laughter from hon. Members opposite. He did not conceive that this was a laughing matter, and he was sure that the tone of the right hon. Baronet the Leader of the Opposition, being in such marked contrast to these speeches, represented the feeling of the great majority of hon. Members on the Conservative side of the House, and this would be apparent to the country. But the point he wished to submit most respectfully was, whether the Government could, consistently with its duty, reveal to the House what measures it was likely to take, and could take, for the protection of life and property in Egypt; whether a premature statement of the course which the Government thought it right to adopt might imperil the objects at which they were aiming, were questions of the deepest importance. Many questions had been put to the Government with regard to the protection of Tewfik Pasha and the Europeans at Cairo; but how could the Government answer such questions without revealing their policy to the disorderly and anarchical powers which now existed in Egypt? It was perfectly natural that this country should take the deepest interest in what was occurring, and desire to be made acquainted with the measures contemplated by the Government; but it appeared to him that if the Government were to say in advance what measures, military or naval, they were going to take, it might frustrate the particular designs which they entertained, and not only frustrate those designs, but in the interval imperil the lives of Europeans. He had himself no knowledge whatever of the particular course which the Government was likely to take; but suppose a military expedition had been resolved upon, could any course be more foolish than to press that a statement should be made revealing to the House the measures proposed to be taken? Whether the English or the Turkish Government intended to act, whatever might be the measures which would be adopted, he submitted that those measures should not be revealed to the House or to the public. The Government, it must be remembered, could not speak to that House without speaking at the same time to Egypt, and allowing all the intriguers who might wish evil to the Christian population to know precisely what they intended to do. Therefore, he submitted that, notwithstanding the natural desire of everyone in that House to be re-assured by having told to them the condition of affairs, it was scarcely fair to choose a moment like that when the hands of the Government were tied, and they could not state what they were going to do—it was not the best moment to choose for interrogating the Government with regard to the state of Egypt. He trusted that, notwithstanding the pressure that might be put upon the Government, they would feel that the great majority of the House felt the danger and risk there would be in any premature revelation of the measures it might be necessary to take for the advantage of Egypt, and the protection of the lives and property of Her Majesty's subjects, and the Christian population generally.

Sir JOHN HAY said, he wished, notwithstanding what had just fallen from the right hon. Gentleman the Member for Ripon (Mr. Goschen), to know what naval preparations had been made for saving the lives and property of the English population at Alexandria? The hon. Baronet the Under Secretary of State for Foreign Affairs had spoken of the squadron of iron-clads under the command of Sir Beauchamp Seymour, and had said that one of those vessels, the *Invincible,* was in the Harbour at Alexandria. He had also correctly informed the House that the draught of water in the entrance to Alexandria Harbour was 24 feet 8 inches. The *Invincible* was in the harbour, and drew 22 feet 1 inch. The other five ships all drew more than 24 feet 8 inches, and the reason why they were not in the harbour was because they could not go into it. He would give the draughts of the ships, both when loaded and when lightened. The *Alexandra* drew 26 feet 6 inches, and could be brought on an even keel to 26 feet 3 inches. The *Inflexible* drew 25 feet 5 inches, and could be lightened to 24 feet 5 inches; but there were then only three inches of bar to go over, and the ship would have to go up a very tortuous channel, which would be very dangerous to attempt, because a coal barge sunk in the channel could prevent the ship coming out. The *Monarch* drew 26 feet, and could be lightened to 24 feet 2 inches; the *Superb* drew 26 feet, and could be lightened to 25 feet; and the *Temeraire* drew 26 feet 6 inches, and could be lightened to 25 feet 9 inches. So that out of these six vessels only three could, when lightened, enter the harbour. He asked why they did not strengthen the squadron by vessels of lighter draught, from which they could readily land men? He did not believe 500 men could be landed from the ships now in harbour, and no admiral would be justified in keeping his ships outside the harbour under present circumstances if they could get in. He, therefore, thought the House was entitled to know what naval preparations were being made, what transports had been sent to take away the refugees, and what ships were being sent that could go into harbour, so as to be of use in the protection of life and property at Alexandria. As he had said, two only of the ships besides the *Invincible* now on the coast could enter the harbour, and that with risk, while three were wholly unavailable for the purpose. He did not think that sufficient preparations had been made for the protection of the lives and property of persons now in Alexandria.

Mr. JACOB BRIGHT said, there was great fear for the security of life and property in Egypt at the present time, and he had a telegram from a Manchester merchant, Mr. Robert Dobson, informing him of the death of his son and another young man who was with his son. Of course, with regard to his son he knew the worst; but he was somewhat anxious to know about the property. There were goods amounting to £4,000 belonging to those two young men who were killed; and Mr. Dobson telegraphed to him (Mr. Jacob Bright), asking him to question the Government as to the responsibility of the Egyptian Government with regard to property left in that defenceless position.

Sir CHARLES W. DILKE: With regard to the first part of the Question, if I may be allowed to answer the appeal, having once spoken, I have telegraphed to Sir Edward Malet to ascertain the names, and have lists, as far as possible, prepared of the people killed in the recent riots. With regard to the second part, as to the property, I have referred the letter, which was sent to me by the gentleman who sent the telegram, to those who will give an opinion on the legal point raised.

Mr. LABOUCHERE thought that his hon. Friend the Member for Portsmouth (Sir H. Drummond Wolff) would gain nothing by pressing the question any further. The Government had fairly stated that it would be contrary to the public interest to make any explanation whatever. He (Mr. Labouchere) did not commit himself to any opinion on the matter; but he would ask his hon.

Friend, having regard to the importance of the Prevention of Crime Bill, which was coming on, to withdraw his Motion, so that they might fall back upon that most interesting, if somewhat exhaustive, discussion.

MR. CAMPBELL-BANNERMAN said, he came into the House just as his right hon. and gallant Friend (Sir John Hay) was finishing his observations, and he, therefore, could only understand their general tenor. He understood that the right hon. and gallant Gentleman was making observations as to the draught of water required for the vessels of the Mediterranean Squadron entering Alexandria Harbour. His right hon. and gallant Friend had put on the Paper a Question to be addressed to him (Mr. Campbell-Bannerman) to-morrow on that subject. He was not prepared to-day with the precise figures relative to each ship; but even if the Question had been given Notice of for to-day, he thought he should have been obliged to appeal to his right hon. and gallant Friend, whether it was really consistent with the public interest that these details should go forth to the world, thereby informing the people in Egypt as well as hon. Members in that House as to the precise vessels which could enter Alexandria Harbour, and the particulars connected with their draught.

SIR JOHN HAY said, that his figures were extracted from the excellent book of Sir Thomas Brassey, one of the Lords of the Admiralty.

MR. CAMPBELL-BANNERMAN: I have not the slightest doubt it is before the public in one form or another; but the question is, whether it should be publicly repeated in this House in regard to the existing state of affairs in Egypt. No one knows better than my right hon. and gallant Friend that a ship, though its draught of water may be a certain figure, may be considerably altered so as to enter a place where it could not otherwise enter. Besides, the depth of water at the entrance to the harbour varies according to the state of the weather, and according to other circumstances, so that while one day a vessel may be able to enter, it could not get in the next.

SIR JOHN HAY: Or get out again.

MR. CAMPBELL-BANNERMAN: Certainly, or get out again. At any rate, I must appeal to the House, whether I or my right hon. and gallant Friend (Sir John Hay) should state the precise draught of water of every ship there, and the precise requirements of the harbour. I really do not think that it is wise, or that any good purpose would be gained by it, and I appeal to my right hon. and gallant Friend not to address to me the Question he has on the Paper for to-morrow, for the reasons I have just stated.

SIR JOHN HAY: Allow me to explain that I think I am entitled to give the facts I have stated to the House, since the hon. Baronet the Under Secretary of State for Foreign Affairs has stated to the House what the ships are capable of doing.

SIR CHARLES W. DILKE: Yes, in answer to a Question, but not voluntarily.

SIR JOHN HAY: Quite so.

SIR CHARLES W. DILKE: And if I may be allowed to say so, I maintain the perfect accuracy of the information which I then gave.

MR. CAMPBELL-BANNERMAN: I may, perhaps, be allowed to add that the information which has been given in general terms by my hon. Friend (Sir Charles W. Dilke) is quite accurate; but what I object to is that a *catalogue raisonné* should be given of the ships, with the draught of each of them. That is quite another matter.

SIR JOHN HAY: With reference to the appeal of my hon. Friend (Mr. Campbell-Bannerman) regarding the Question of which I have given Notice for to-morrow, as I have already given the information to the House, I am quite satisfied — without putting my Question—I am quite satisfied my information is accurate, because, as I have said, it is taken from the book published by my hon. Friend (Sir Thomas Brassey).

MR. ECROYD said, he wished, before the discussion closed, to make a strong appeal to the hon. Baronet the Under Secretary of State for Foreign Affairs. The fate of the two young men who had been mentioned had naturally spread a thrill of intense horror throughout the community in which their relatives resided, and the business circles with which they had been connected; and he, therefore, appealed to the hon. Baronet to obtain all the information he could from Egypt, as promptly as possible, in regard to the position and circumstances of the English residents connected with commercial affairs in that country, and make it public in whatever way he might deem most suitable, with the least possible delay. The agony of suspense which had already been endured by many could not be described.

Sir CHARLES W. DILKE: I have already stated that we have telegraphed for a list of the names of those Englishmen who have been killed, and that we shall be glad to make it public; but I do not think it would be desirable to make public our opinion as to what might be the danger at one place more than at another. I think that would only tend to increase the danger.

Sir H. DRUMMOND WOLFF said, that the hon. Member for Kirkcaldy (Sir George Campbell) had been good enough to describe something which he (Sir H. Drummond Wolff) had said as "nonsense." That was not a very courteous statement to make in that House in regard to what an hon. Member had said. He (Sir H. Drummond Wolff) would not argue with him as to what was nonsense or what was not; but the hon. Member had endeavoured to bring in the old story about Lord Salisbury and Tunis. He (Sir H. Drummond Wolff) did not say whether the taking of Tunis was right or not, and he had no responsibility in the matter. But he would observe that it was to be borne in mind that the taking of Tunis took place after the Control had been established, and, therefore, threw some doubt on the good faith of France in the matter. The hon. Baronet the Under Secretary of State for Foreign Affairs and others had expressed themselves satisfied with the position of Admiral Seymour at Alexandria, and the hon. Gentleman the Secretary to the Admiralty (Mr. Campbell-Bannerman) had complained of Questions being put on the subject, and had said that such Questions should not be answered. But there would be no danger in the Questions being answered if the Government would send serviceable ships. The danger existed in their sending ships which were not serviceable. It had been shown that, when lightened, only two of them could go into the harbour. The Government, therefore, had sent ships to Alexandria which could not assist the Europeans. [Sir Charles W. Dilke: Oh, no!] The hon. Baronet said "Oh, no!" and they were asked to trust to the presence of Sir Beauchamp Seymour. On the 11th of May the hon. Baronet told the House that the Government had taken all the steps that were necessary; but the presence of Sir Beauchamp Seymour had not prevented the massacre that took place on Sunday last—and there had been a massacre, for it did not matter whether 50 or 150 had been massacred—although one of the ships was in the harbour and two outside. Therefore, if the Opposition had no confidence in the adequacy of the preparations of the Government, it must be acknowledged that they had some ground for that want of confidence. The Prime Minister had said that the Government had all along been acting in conjunction with Turkey and in harmony with the Turkish Government in this matter, and that we should see that when the Correspondence was published.

Sir CHARLES W. DILKE said, that his right hon. Friend at the head of the Government had already contradicted that statement.

Sir H. DRUMMOND WOLFF said, that was not so. What the Prime Minister had positively stated was that all along we had looked upon Turkey as an instrument for acting upon Egypt.

Mr. GLADSTONE: Hear, hear!

Sir H. DRUMMOND WOLFF: Was that the case, or was it not? If it were so, what was the meaning of the despatch dated 31st January 1882, and communicated to Lord Granville by Musurus Pasha? That despatch was to the effect that there was nothing to justify the Collective Note to Tewfik Pasha, that the opinion of the Sultan ought to have been obtained, and that the Government of the Porte felt bound to inquire what were the reasons for such a course. The Turkish Ambassador to this country had been requested to bring the subject before the Minister of Foreign Affairs. If the Government looked upon Turkey as the proper instrument to exercise pressure upon Egypt, it was remarkable that the Porte took so very different a view of the case. It was scarcely credible that Her Majesty's Government, after having offended Turkey as they had done, should go down on their knees to her, and ask her to get them out of the extraordinary hobble in which they were now placed. He was perfectly willing to withdraw his Motion for the adjournment of the House.

EVICTIONS (IRELAND).

OBSERVATIONS.

COLONEL NOLAN said, that as a Motion for the adjournment of the House had been made, he could not, in justice to part of his constituency, before it was withdrawn, refrain from taking advantage of that opportunity to bring before the House a matter of very serious importance. He received a letter from a parish priest in Connemara a few days ago, requesting him to call attention to several evictions which were likely to take place in the district upon a property which he could not name, and pointing out that with respect to those evictions, and one batch of them in particular, it would be a matter of enormous importance if the agent would wait until the Arrears of Rent (Ireland) Bill was passed. The parish priest pointed out to him that it was of the utmost importance that the Arrears of Rent (Ireland) Bill should be passed, as it would save those tenants from eviction who were liable to be turned out on the roadside. He (Colonel Nolan) was in some hopes he might be able to prevent that, and for that purpose he had brought in a Bill suspending evictions till 1st September, or it might be for a shorter time than that—it might be for only three or four weeks—until the Arrears of Rent (Ireland) Bill came into operation. During that interval these unfortunate tenants might be evicted and made liable for heavy costs. The Bill he had brought in received the support of every section of Irish Members in the House, except the Irish Conservative Members. An hon. and learned Member (Mr. Warton), on the Conservative side of the House, took the responsibility upon himself of blocking the Bill and preventing its being read a first time, and printed and circulated. That was a great responsibility for an hon. and learned Gentleman who had no natural connection with the country to undertake, because it was tantamount to saying that evictions would continue for the next two months. He (Colonel Nolan), however, believed the hon. and learned Gentleman was only the instrument in this matter. This was the work of the Irish Conservative Members. He charged them with it; and, if he was mistaken, he challenged any of the occupants of the Front Opposition Bench to get up and deny it, and further to request the hon. and learned Member to take off the block and allow the Bill to be printed and circulated, as it was one which would bring relief to a great many suffering families in Ireland. No Irish Conservative Members dare take the responsibility on themselves of blocking the Bill.

MR. SPEAKER said, the hon. and gallant Member (Colonel Nolan) was not in Order in discussing a Bill not now before the House on a Motion for the adjournment of the House.

COLONEL NOLAN said, he would not discuss it further; but it was customary for the House to allow Bills to be read a first time, except for very strong reasons. He hoped the right hon. Gentleman the late Chief Secretary for Ireland (Mr. Lowther), or some other right hon. Member on the Front Opposition Bench, would get up and repudiate what had been done in reference to the Bill, and request the hon. and learned Member to remove the block.

MR. GREER: As the hon. and gallant Member for Galway (Colonel Nolan) has spoken of the Irish Conservative Members of the House, I must say, for myself, that I knew nothing whatever of this Notice until I saw it on the Paper, and, as an Irish Conservative Member, I can state individually that I have had nothing whatever to say to it; and, so far as I am myself concerned, to show that I had nothing to do in the matter, I have given specific instructions to my agent in Ireland that no pressure whatever shall be put on my tenants until the Arrears of Rent (Ireland) Bill has been passed, in order that they may have any advantage that may arise from the Bill when it passes into law.

MR. WARTON said, it was not the case that the Irish Conservative Members were in any way responsible for the blocking of the Bill. He himself took an interest in Ireland, and had been studying the question for some time; and he had blocked the Bill entirely on his own responsibility. So far from asking him to put it on, the Irish Conservative Members had asked him to take off the block; and now, in obedience to their wishes and postponing his own judgment, he took it off. He hoped the hon. and gallant Gentleman the Member for Galway (Colonel Nolan), on other occasions, would not indulge in haphazard charges.

Mr. PARNELL: Sir, in reference to this question of evictions, which has been raised by the hon. and gallant Member for Galway (Colonel Nolan), I wish, as I see the right hon. Gentleman the Chief Secretary for Ireland (Mr. Trevelyan) in his place, to point out to him that evictions in Ireland are increasing to an enormous extent; and I wish to ask him whether he will not consider the advisability of taking Saturday Sittings for the passage of the Arrears Bill? I am sure the Irish Members would give their support to such a course, and possibly a sufficient number of English Members could be got together for the discussion of the Bill on Saturdays, because the number of evictions in Ireland at present is very alarming. Owing to the fact that in a great number of the evictions now taking place, the tenants are not re-admitted as caretakers, they are, consequently, turned out of their homes, and their little store of food and money, that might be used for the purpose of redeeming their holdings, is consumed in supporting themselves, and in order to keep a roof over their heads and the heads of their families. I wish to draw the attention of the right hon. Gentleman to this fact, that since the first quarter of this year evictions are increasing every month in a very alarming proportion. The evictions during the first quarter of this year amounted to over 7,000 persons—that was, at the rate of a little over 2,000 persons a-month. In the month of January I think there were over 1,000 persons, and evictions have been increasing since. During the month of May, the fifth month of the year, there were over 3,000 person evicted; and if that proportion is maintained, it will make a number of over 9,000 evictions for the next quarter; but as the number of evicted persons is increasing so largely, we must probably expect that during the next quarter, instead of 9,000 persons, there will be something like 12,000 persons evicted. Now, I wish to ask the right hon. Gentleman, whether, as the person responsible in this House for the maintenance of law and order in Ireland, he does not view with the greatest anxiety and alarm the enormous increase in the number of evictions in the West and South-West of that country; and, whether he does not fear that those evictions will make the task of maintaining law and order in Ireland very much more difficult by Her Majesty's Government in Ireland? Unfortunately, as regards decrees which were granted at the last Quarter Sessions, there is no way of preventing them from being executed. I understand that at least half the tenantry in some counties in Ireland, who were in arrears of rent, were decreed at last Quarter Sessions, and, as a consequence, it is in the power of the landlords to execute these decrees at any time, and the execution of these decrees can only be stopped by the passing of the Arrears of Rent (Ireland) Bill. It is not possible, under the Act of 1881, to obtain from any Court in Ireland a stay of ejectment process once it is granted by the Court. It is possible, and I hope the tenants will exercise the right given them, under the Act of 1881, of applying at the next Quarter Sessions throughout Ireland to the Chairman to stay execution of the decrees which may be applied for by the landlords, in cases where they come under the operation of the Arrears of Rent (Ireland) Bill, and in the terms provided by that Bill—namely, that there should be a year's rent paid within a reasonable time up to the 1st of last November. Even if a stay is put upon the proceedings in these cases, considerable costs will be incurred, which the tenants have to pay. But as regards the other class of cases, where ejectment decrees were already issued at last Quarter Sessions throughout Ireland, and which have not been yet executed, there is no possible way of putting a stop to the execution of the decrees except by passing this Bill. I would, therefore, put it to the right hon. Gentleman, in view of the fact that so many important questions still remain for discussion on the Prevention of Crime Bill, whether he himself is not impressed with the necessity of asking the House to give him facilities, by means of Saturday Sittings, for the purpose of making some progress with the Arrears of Rent (Ireland) Bill?

Mr. REDMOND said, he wished to read a telegram which he had received, and to call attention to a practice of a serious character which was becoming very prevalent in Ireland. A clergyman in the County Wexford sent him a telegram with reference to some evictions of tenants who were in arrears which took place yesterday on the property of Mr. Batt. He says—

> "Two tenants on Batt's property evicted by Sheriff to-day. Emergency men took possession, and set fire to houses and offices. People indignant."

These tenants had six months as a period of redemption; and he conceived there could be nothing more cruel, unjust, and criminal than for the agents of the Emergency Association, or of the landlords, to step in and destroy those houses, and with them the hope that, within six months, the evicted tenants would be able to recover their homes after settling with their landlords. He asked the Government to give their serious attention to the matter, and hoped that in the Prevention of Crime Bill now before Parliament, offences of this kind should be included. He joined in the appeal of his hon. Friend the Member for the City of Cork (Mr. Parnell) with regard to Saturday Sittings to proceed with the Arrears Bill.

MR. TREVELYAN said, that on a question of that description, he would speak with as few sentences as possible. He thought the hon. Member for the City of Cork (Mr. Parnell), though not quoting from papers, had described generally the state of evictions in Ireland, and he had described them, undoubtedly, with perfect correctness. The number of evictions in the first quarter of this year was serious. The number of evictions during the last month was most formidable. The nnmber of evictions during the first week of this month was something very like appalling. He must say that he heard with great pleasure the generous and patriotic words that fell from the hon. Member for Carrickfergus (Mr. Greer). The Government of Ireland was extremely and deeply interested in the question; and in order to keep themselves fully informed on a matter in which, deep as their interest was, he was sorry to say their power was not very great, they ordered Returns of evictions, as well as Returns of outrages, to be sent in daily to Dublin Castle; and, at the same time, the opinions of the police on these evictions. The opinions of the police, and Resident and Special Magistrates, were sent in together with those Returns; and he was bound to say that while, in a great number of instances, these evictions occurred on account of the contumacious determination of tenants not to pay their rent, in a great many instances the police and the Special and Resident Magistrates described them as cases of great hardship. He deeply regretted that the landlords of Ireland generally would not take the attitude assumed by the hon. Member for Carrickfergus. He regretted exceedingly that the good example of the hon. Member for Carrickfergus was not more generally followed; that, at a time when the Government—he was not now speaking of the Liberal Government in particular, but the Executive Government of Ireland—were labouring in a position of extreme difficulty, and honestly endeavouring to do their duty, without fear or being influenced on either side, landlords should be found to use those rights of theirs as to evictions in such a cool and unpatriotic manner. This was most cruel to the country and the Executive Government. The practical suggestion which the hon. Member opposite (Mr. Parnell) had made was one which, he was sorry to say, the Government could not see any chance of entertaining. If they took Saturday Sittings, they would be bound to take them to pass the Prevention of Crime Bill, which the Government of Ireland regarded as essential. They regarded it, too, as primarily essential that it should pass in substantially the same form as it was now presented to the House; and if it did, they hoped that, in the course of six or nine months, it would bring about a very different state of things to what existed in Ireland then. His experience was that, in Parliamentary matters, it was necessary that the Government should deal with one thing at a time; and he could not help venturing saying, he thought that hon. Gentlemen opposite (Home Rulers) would quite as well serve their cause if they would make such protests only as were sufficient to get a clear understanding from the Government as to the points upon which they were willing to modify the Bill, which should be declared at once; but, after making those concessions, it should be known to hon. Members that not one iota more would be wrung from the Government, either by obstruction or by unfair discussion, He did not appeal to hon. Members to curtail legitimate debate, because their views, and experience, and suggestions would very decidedly enter into the views which the Government would take of each clause; but the Government had their Bill fairly at their fingers' ends, and were very able to form an opinion as to whether proposed modifications were necessary or not. In order to get to the Arrears of Rent (Ireland) Bill, which, after all, was a measure brought in for the purpose of preventing evictions, he could not help thinking that it was the duty of every patriotic Irishman to try and push the measure now before the Committee through as soon as possible, especially seeing that hon. Members could not hope, by further delay, to modify the clauses. That was the advice he ventured to give them. The present duty of the Government was to pass it as soon as possible; and when they got to the Arrears of Rent (Ireland) Bill, they would press it forward with the same eagerness as they were doing this measure. He could answer for the Irish Government in this respect, that they considered the Arrears of Rent (Ireland) Bill every way as valuable for the maintenance of peace and order, and, what they regarded with equal anxiety, as being necessary for restoring prosperity to Ireland as the Prevention of Crime Bill; and they would feel themselves bound to carry it essentially as it was presented to the House, or in such a shape that it would confer the same amount of benefit on the people. He did not for a moment believe that they should gain anything at present by taking a Saturday Sitting and devoting it to the Arrears of Rent (Ireland) Bill.

Mr. GIBSON: Sir, this debate has arisen very suddenly and unexpectedly upon some observations by the hon. and gallant Member for Galway (Colonel Nolan), which, I think, were met with certainly great courtesy by the right hon. Gentleman the Chief Secretary for Ireland (Mr. Trevelyan). I do not think I should have now risen to say anything at all, but to guard myself from being presumed to assent to the collocation of words and to the way in which the right hon. Gentleman has presented his ideas to the House. I do not desire to be at all hypercritical, or to use any words calculated to lengthen the debate or to provoke discussion; and I do not think it would be fair, having regard to the great difficulties with which he has to contend, that I should indulge in any personal criticism, bearing in mind that he was called on to speak with some suddenness and without a moment's notice. I desire, however, to guard myself against assenting to the position in which he appeared to place evictions as contrasted with other matters reported to the Government in Ireland; and, also, I desire to guard myself against being supposed, by any silence on my part, to tolerate the assertion that any appreciable number of landlords should be open to the deliberate charge of acting in an unpatriotic or unfair manner. [*Ironical cheers.*] Of course, I am well aware that in this House the landlords in Ireland have many enemies, who do not hesitate to make charges against them; but it is not unreasonable that those who take a standpoint of a somewhat wider character should guard themselves against appearing to support principles from which they dissent. There is one matter which must be borne in mind. The hon. Member for the City of Cork (Mr. Parnell) says that the Judges of the Irish County Courts who administer the vast ejectment jurisdiction up to £100 of rental, and have as wide a power as any Act of Parliament should confer upon them, should have jurisdiction to stay execution of decrees for eviction when cases require it. I may inform him, as to civil bill ejectments, that it is within the power of the Judges administering that jurisdiction to put a stay on evictions. That power is quite as wide as could be given on any Act.

Mr. PARNELL: Not after they have granted the decree.

Mr. GIBSON: No; but at the moment of granting the decree, when the whole of the matters are present to their minds.

Mr. PARNELL: No.

Mr. GIBSON: Well, when a case is before the Judge, and the landlord has proved his claim as to the amount that is due, and the tenant has been heard, then the County Court Judge can say—"I have heard the case, and am satisfied that the two or three years' rent may be due. I am bound to give that to the landlord; but, having regard to all that has appeared before me, what the tenant has said in the way of substantiating his case, I put a stay upon that decree to the landlord, and I will put that decree over six months, nine months, or, as has been in some cases, twelve months." That is the existing law in Ireland, and can be, and has been, applied in many cases. It must be remembered that in Ireland the landlords, speaking generally—although there are exceptions, just as there are exceptions with all classes — have shown themselves not disposed to push their powers to excess, and desirous to meet matters fairly and reasonably. This is shown by the fact that the arrears of rent on the property of many men are very large, and for several years — partly owing to their consideration in years of distress, but also during years of prosperity. The Land League has prevented these payments, and the landlords who previously showed consideration have not got a penny of their rents. It must be remembered, also, that evictions are of two classes, as might be expected. Tenants who could have paid their rents have spent their money, and have not got the means now. As regarded this, it was not reasonable that a landlord who has a family and many charges to meet should be left to starve, and be held up to obloquy for seeking to maintain his rights. Then, there are others who are entitled to every commiseration and sympathy — men who are really poor, and who would pay their obligations if they could. I would venture to hope, in reference to the Returns of the Government, that the right hon. Gentleman the Chief Secretary for Ireland will take care that they are complete, and that they indicate clearly, not only what ejectments have been pronounced, but what evictions have been actually carried out, and the number of instances in which the tenants have been restored to possession, whether as tenants or caretakers. One of the Returns issued last month stopped short of that vital matter of information. It simply showed in some cases that possession was taken from the tenant and handed over to the landlord; but in regard to the more numerous class it only said that a decree was pronounced, and not whether it was carried out. It was very kind of the hon. and learned Member for Bridport (Mr. Warton) to speak as he had; but it should be understood that the Bill, having received that consideration, would get no further facilities.

COLONEL COLTHURST said, that, no doubt, it was very important in any measure of relief to make a clear and unmistakable distinction between those tenants who were, and those who were not, able to pay; and certainly the right hon. Gentleman the Chief Secretary for Ireland (Mr. Trevelyan), in making his observations, had in view the class of tenants unable to pay. There undoubtedly were evictions going on where, if the tenants had been granted two or three months' delay, they would have been able to pay some part, at least, of their rent.

MR. SEXTON said, he wished to express the deep satisfaction with which he and those who sat with him had listened to the patriotic statement of the hon. Member for Carrickfergus (Mr. Greer)—that his tenants should not be evicted until the House had time to come to a decision upon the Arrears Bill. He had shown a very commendable spirit; and he (Mr. Sexton) only wished—he could not expect—that his good example might be generally followed by other Irish landlords. The difficulties of the position were well illustrated by the promptitude with which the right hon. and learned Gentleman (Mr. Gibson), who was the most competent and able Representative of the landlord class, had risen to reply to the remarks of the right hon. Gentleman the Chief Secretary for Ireland as to the tenants. He desired to point out that the hon. Member for the City of Cork (Mr. Parnell), in quoting to the House, had adduced facts for the Returns of the Resident Magistrates; and he might remind hon. Members that eviction at this time in Ireland must be attended with very great hardship, for they amounted to a confiscation of the crops of the tenants, which too often had cost those tenants their last penny. The point which the right hon. and learned Gentleman had raised as to evictions had nothing whatever to do with executed ejectments. He would find the whole of the information he asked for in the Returns. It was with very great regret that he (Mr. Sexton) heard the Chief Secretary for Ireland state that if Saturday Sittings were held they would be used for the Prevention of Crime Bill, and not for furthering the Arrears of Rent (Ireland) Bill. The Prevention of Crime Bill attacked the primary and fundamental principles of liberty; and the Irish Members could not, even upon the consideration of the past position of the tenantry, and in order to expedite the Arrears of Rent (Ireland) Bill, refrain from expressing their opinions as fully as they deemed necessary upon this attempt to take away the liberties of the people. The right hon. Gentleman had stated that the Government were prepared to announce, with a view to shortening the discussion on the Prevention of Crime Bill, that concessions would be granted. Did the right hon. Gentleman mean that the moment a Member of the Government rose after the proposal of an Amendment, and stated his opinions, that the discussion must practically come to an end? Surely that would amount to a neutralization of the whole process of debate.

Mr. TREVELYAN: What I said was, that as soon as the Government thoroughly understood the opinion of the House in debate, then they would, at a comparatively early stage—and I am bound to say that does not mean a very early one—announce what line they would take up, and that there would be no alteration in the decision in consequence of the debate being prolonged beyond what the Government considered legitimate discussion.

Mr. SEXTON said, he would admit that the explanation was less objectionable than the right hon. Gentleman's previous statement; but he would ask him to reconsider even his explanation, and to give the Irish Members some hope that if additional arguments and new evidence were brought forward, even after the Government had spoken, they would be prepared to consider them favourably. There was another inconsistency in the right hon. Gentleman's speech. If, as he said, the Crime Bill and the Arrears Bill were regarded by the Government as equally important, why were they not being taken stage by stage? Or why was the Arrears of Rent (Ireland) Bill not being taken first, seeing that last Session the Government gave repression the first place, and that events ought to have shown them the fatality of that sequence of policy? He (Mr. Sexton) most positively asserted that the Arrears of Rent (Ireland) Bill was not only equally valuable, but infinitely more valuable, than the Prevention of Crime Bill, and that the former Bill would operate quicker and more effectually for the prevention of crime and the restoration of order in Ireland than any Coercion Act which the most ingenious Government could devise. He would state why he thought that. A Coercion Bill could not be effective in turning away from the course of violence and revenge a man whose mind was convulsed with passion and a sense of wrong; and in the case of those people who were being evicted in thousands, with what the Resident Magistrates described as scenes of hardship, no Coercion Bill could take away their desire and intention to have revenge. On the other hand, if the House passed a good Arrears Bill first, see what a salutory influence it would bring to bear upon those tenants. Every tenant who was threatened with eviction would feel that the law was now on his side, and that Arrears Bill would be as a salve to his mind. He was hopeful even yet that, upon consideration of the Reports made by the Resident Magistrates, and of the urgency of this question of eviction, and on consideration, also, of the greater effectiveness of the Arrears of Rent (Ireland) Bill over the Prevention of Crime Bill as an engine for the restoration of order, the Government would reconsider the matter, and cease to give repression the first place in their policy.

Sir R. ASSHETON CROSS said, he would suggest that, as there was no use in carrying the discussion further, the Motion for the adjournment of the House should now be withdrawn in order that they might at once proceed with the Prevention of Crime Bill. If Irish Members wished to reach the discussion upon the Arrears of Rent (Ireland) Bill, and to state their views upon that measure, surely the best way of attaining that object was to get on with the Business more immediately before them.

Mr. MACFARLANE said, he had no doubt that if the right hon. Gentleman the Chief Secretary for Ireland (Mr. Trevelyan) was left to his own kindly and benevolent disposition, means would be devised for putting a stop to evictions; but he understood from the right hon. Gentleman's remarks that the hands of the Government were tied by the Resolution of the House pledging them to proceed from day to day with the Prevention of Crime Bill, and that they were not going to touch the Arrears Question until the Prevention of Crime Bill had been discussed and disposed of. He appealed to the Government to take the Arrears of Rent (Ireland) Bill day by day and stage by stage with the one they were at present dealing with. There were in the month of May no less than 1,188 evictions, and it was not too much to say that one-half of them would have been averted by the passage of that Bill. It was as if the Government had launched a lifeboat to rescue a drowning crew, and had then put back to settle some miserable quarrel upon the shore; while, one by one, the wretched sailors dropped from the rigging and were lost. They appealed to Her Majesty's Government to stop this wretched state of things, and thus bring back to Ireland that peace which would never be obtained by coercive measures. What caused increased bitterness in the minds of the Irish people was this—They had seen the Arrears of Rent (Ireland) Bill introduced and read a second time, and notwithstanding that they were being dragged from their homes and turned on the road-sides and into the workhouses in thousands week after week.

MR. METGE said, he was sorry the right hon. Gentleman the Chief Secretary for Ireland was not in his place, as he wished to extract from him a definite anwer to the question put to him by the hon. Member for New Ross (Mr. Redmond) with respect to the action the Government intended to take in cases in which bailiffs and Emergency men deliberately set fire to the houses of tenants whom they had evicted. The case put before the House by his hon. Friend was very strong; but he (Mr. Metge) knew a case in his own county which was of a still more aggravated character. He brought the case before Parliament on two or three occasions, and he received no answer, which satisfied him that the Government intended to take any action in the matter. The case he referred to was that of a large series of evictions on the estate of Lord Gormanston, in Meath. The execution having failed on two or three occasions, by reason of a technical error on the part of the process-server, the Emergency men at last determined to make good the process of the law by deliberately setting fire to the houses of the tenants, and burning them over their heads. The parish priest of the district, who informed him of the occurrence, was first made aware of it by seeing the flames rising from the roofs of the whole village a couple of miles distant, and, upon coming into the town, he found the bailiffs and process-servers busily engaged in burning down the houses of the tenants in presence of their wives and children, the men themselves being away. When such a state of things as that was permitted in Ireland, it was absolutely certain that the present contention would go on increasing. They had in three months of the present year no less than 3,400 evictions in a single month, which was more than double the number on which the Prime Minister based the Compensation for Disturbance Bill of last year. These evictions were supported by bodies of police and military, and the state of things which they produced he (Mr. Metge) called nothing less than civil war, which every person who wished well to Ireland desired to see ended. He thought when the Government asked for strong measures of repression against the people, the Irish Members were entitled to ask that some limitation and punishment should be put upon the crimes which were now committed day after day by the landlords of Ireland.

SIR WILLIAM HARCOURT said, he rose merely to enforce the appeal made by the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross), that they should now be allowed to go into Committee upon the Prevention of Crime Bill. As his right hon. Friend the Chief Secretary for Ireland had already stated, the Government were anxious to pass the Arrears of Rent (Ireland) Bill; but they could entertain no measure until the former Bill had been disposed of. It was quite time to cease that fruitless discussion, seeing that four hours had been spent upon a subject which any reasonable person would think might very well have been disposed of in one hour.

Dr. COMMINS said, the attention of the Government had been called, over and over again, to the burning by agents of landlords of the dwellings of tenants who had been evicted; and, as such crimes were punishable under Statute or Common Law, he wished to ask the right hon. and learned Gentleman the Attorney General for Ireland, whether such acts as those described by the hon. Member for New Ross (Mr. Redmond) did not amount to arson under the Common and Statute Law, and whether he had ordered any prosecution in the numerous cases which had been brought before him?

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson), in reply, said, he must deny that the acts mentioned constituted the offence of arson, and he had, therefore, ordered no prosecution.

Mr. LEA said, he believed the Arrears of Rent Bill would be a far better deterrent to crime than the Bill now before the House; but until the Prevention of Crime Bill was disposed of, no other Business could be taken, and it was their duty to get rid of it as soon as possible. If, therefore, the Irish Members curtailed their opposition to the latter Bill the House might more readily pass the former Bill. Evictions were undoubtedly taking place in Ireland to a very serious extent, notably the County Donegal, where for the past two months a great number of tenants had been evicted. He was also informed by a friend who had recently come from the North of Ireland that evictions would become more numerous. Under such circumstances, they were most anxious to get the Arrears of Rent (Ireland) Bill through; and, with that object in view, he hoped hon. Members opposite would not continue their prolonged opposition to the Prevention of Crime Bill.

Mr. O'CONNOR POWER said, he perfectly agreed with his hon. Friend the Member for Donegal (Mr. Lea), that it was highly desirable, in the interests of peace and tranquillity in Ireland, that the House should be allowed to approach the consideration of the Arrears of Rent (Ireland) Bill as soon as possible; but he (Mr. O'Connor Power) thought his hon. Friend would see that in saying that he was asking for too much, for it was inviting them to accept a one-sided engagement. He was asking them to become parties to a contract in which all the obligation would rest on them, while no corresponding obligation would rest on the Government. Suppose they were now to desist from all further opposition to the Prevention of Crime Bill, could his hon. Friend guarantee that the Government would persist with their Arrears of Rent (Ireland) Bill, no matter what opposition might arise against it in this or the other House of Parliament? Would the Government act in reference to that Bill as they acted in reference to the Compensation for Disturbance Bill, the rejection of which, in his opinion, was the source and beginning of most of the trouble and annoyance which had since arisen in Ireland? That showed how impossible it was to carry out the proposal of his hon. Friend. They must take things as they came before them; and if the Government, having absolute discretion in their hands, had made the mistake of placing coercion before remedial legislation, on their head would rest the responsibility. To charge the Irish Members with any responsibility for the state of things which arose out of that choice would be to make them responsible for that over which they had absolutely no control. He wished to appeal to his hon. Friend the Member for Donegal, who was elected to support Her Majesty's Government, and who loyally supported Her Majesty's Government, and, therefore, might be supposed to have some influence over Her Majesty's Government—he asked him and other Members of the House to approach Her Majesty's Government on this subject. The Prime Minister stated, a few weeks ago, that he would avail himself of every lucid interval to push forward the Arrears of Rent (Ireland) Bill. They had looked in vain for the appearance of that interval, and he wished to ask whether the time had not now come when something might be done with it? Why did not his hon. Friend appeal to the Conservative Party to abridge their long speeches on the Egyptian Question, allow Egyptian affairs to be managed by those who were responsible for the policy of the Government, and let them go on with their ordinary affairs? It would be scandalous and a disgrace to the Irish Representatives if they allowed the present Bill to go through without discussion, in that way consenting to see every principle of their liberties struck down, as was proposed by that Bill, on a bargain, as he said, in which all the obligations were on their side; while, on the other hand, the Arrears of Rent (Ireland) Bill would still remain at the discretion of the Government, acting under the coercion of the Conservative Party. If the opposite course entailed the responsibility of retarding the remedial measure of the Government, let them not hesitate to take that course, seeing their end could be obtained by no other means.

MR. BORLASE said, he wished the Government would accede to the request of the hon. Member for the City of Cork (Mr. Parnell), and have a Saturday's Sitting. ["Oh, oh!"] He said that as much in the interest of the Scottish and English legislation, which had been kept behind, as in the interest of Ireland. The present bad weather was beginning to make persons look to the harvest; and there appeared a prospect of another Session passing without anything being done for the agricultural interests of England and Scotland, which demanded attention. They ought to look at the mass of legislation behind the two Bills referred to in the discussion, and reflect how it was being hindered, solely by the waste of time now taking place.

MR. O'DONNELL said, he believed that it would be a very small minority of the people of Donegal who would support the Liberal Member for Donegal (Mr. Lea) in his appeal to the Irish Party to give up their resistance to Coercion. He was glad, however, to hear from the hon. Member for Donegal that he was aware of the cruel evictions that were taking place in the country—evictions in which all the rights were on the side of the tenants, and all the wrongs on the side of the landlords. But he could not but think that these deplorable facts would have been more properly brought forward at the introduction of the Coercion Bill as a reason for delaying the Coercion Bill, and not as a reason why Irish Members should now decline to criticize, and, if possible, amend that Bill. The Secretary of State for the Home Department had deprecated conversations of this kind; but the observation would have more power if it had not been preceded by the speech of the right hon. Gentleman the Chief Secretary for Ireland. The Chief Secretary for Ireland informed Irish Members that, even with regard to the discussion of the Coercion Bill, their observations would be of no use, that Her Majesty's Government at the commencement of each clause would state what was their will, and would refuse all Amendments on the part of the Irish Members. The right hon. and learned Gentleman the Attorney General for Ireland stated that when arson was committed by Emergency men it was not a crime.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON): I never made any such statement.

MR. O'DONNELL: I am translating the right hon. and learned Gentleman's language into plain English, stripped of the technicalities of Dublin Castle law. If they wished to deal fairly with both sides, let them introduce a provision into the Coercion Act, making the burning of houses by Emergency men a crime.

MR. P. A. TAYLOR said, he had contented himself hitherto with entering a silent protest against the Coercion Bill by voting against it, because he saw it was of no use opposing the Bill in the face of the overwhelming power brought into operation by the junction of the two great Parties. The sooner the Bill was passed the sooner they would get to remedial measures. He admitted the satisfaction he had felt at the frank and earnest statement of his right hon. Friend the Chief Secretary for Ireland, and regretted the unfavourable criticisms made upon it by the hon. Member for Dungarvan. At the same time, he could not but express his protest against the fatuity of Her Majesty's Government in bringing on coercive before remedial measures; coercive measures which all history proved would not paralyze the arm of the assassin nor insure detection; but would add weight to the disgust and hatred of the English Government in Ireland, out of which all such outrages sprung. He believed that the Government were causing deep regret and dissatisfaction among the Liberal Party by the course they were pursuing. They were dragging the Liberal Party, who felt no little disinclination to support measures which might have found a proper home on the Benches opposite, but which were a disgrace to the Liberal Party.

Motion, by leave, *withdrawn.*

ORDER OF THE DAY.

—◦:0:◦—

PREVENTION OF CRIME (IRELAND) BILL.—[Bill 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 13th June.*]

[ELEVENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART II.

Offences against this Act.

Clause 7 (Illegal meetings).

Mr. P. MARTIN, in moving, as an Amendment, in page 4, line 14, to leave out the words "to be," in order to insert the words "of which public notice shall be given," said, the clause, as at present framed, might lead to gross injustice. It presented no public notification of the fact that this order had been made. Persons might attend, wholly unaware the meeting had been made illegal. The hon. and learned Gentleman the Member for Dundalk (Mr. Charles Russell) had an Amendment lower down on the Paper, by which he also sought to obviate the infliction of the severe penalties, for offences against this section, on persons who might be ignorant that there was any prohibition. If this clause was left without amendment, it might cause the greatest injustice.

Amendment proposed, in page 4, line 14, to leave out the words "to be" and insert, "of which public notice shall be given."—(*Mr. Patrick Martin.*)

Question proposed, "That the words 'to be' stand part of the Clause."

Sir WILLIAM HARCOURT said, he should be glad to accept the Amendment.

Mr. T. P. O'CONNOR thought it very desirable, before the Committee proceeded any further with the clause, that the necessity for such a clause should be shown. The Lord Lieutenant had already amply exercised his powers of prohibition. Had he not, within the last six months, prohibited every kind of meeting to which he had the slightest objection? What, then, was the necessity for this clause?

Sir WILLIAM HARCOURT, in reply, said, the first part of the clause gave the necessary power to the Lord Lieutenant to prohibit illegal meetings, and the second part was necessary to give the means of effectuating that prohibition by action against individuals who declined to obey the law. At present, where a proclamation was issued against the holding of a public meeting, the only means by which effect could be given to it was to disperse the meeting by force. It was thought to be necessary that there should be a continual machinery, and by this clause that machinery would be provided, so as to bring those who took part in an illegal meeting within the summary jurisdiction of the Act. This was the reason why the clause was deemed to be necessary.

Mr. SEXTON wished to know whether the right hon. and learned Gentleman the Secretary of State for the Home Department (Sir William Harcourt) was aware that during last year the Lord Lieutenant had prohibited two classes of meetings, the sheriff's sales and ordinary public meetings? He also wished to know whether, in consequence of disobedience to these prohibitions, any public inconvenience had arisen? He desired to know likewise whether it was not the fact that the ordinary law was sufficient?

Mr. PARNELL said, before that question was answered he would like to ask another. Had the right hon. and learned Gentleman the Secretary of State for the Home Department (Sir William Harcourt) any information to give the Committee as to the number of public meetings that had been prohibited by the Lord Lieutenant during the last six or 12 months; and also as to the number of cases in which the proclamations of the Lord Lieutenant had been obeyed, or in which it had become necessary to disperse the meetings by force?

Dr. COMMINS said, he also wished to ask whether, under the law, the Chief Secretary to the Lord Lieutenant of Ireland had been entitled to make the proclamations that had been issued during the last 12 months? So far as his (Dr. Commins') research was concerned, the action of the Lord Lieutenant in this respect was not only utterly unconstitutional, but was also utterly illegal.

SIR WILLIAM HARCOURT, in reply, said, the questions that had just been put were entirely contradictory. One question assumed that the power was legal, and that of the hon. and learned Gentleman (Dr. Commins) assumed that the power was not legal. If the exercise of that power was not legal, it was the object of this clause to make it so; and if, on the other hand, it was legal, it was still desirable that the doubt expressed by the hon. and learned Gentleman should be removed, and that the people of Ireland should be made aware, by the declaration contained in that clause, that the power was legal. He need not say that Her Majesty's Government had introduced this clause with very great reluctance, and he might add that there was what he might term a national feeling among Englishmen of all parties and shades of opinion—a feeling of repugnance at the interference thus proposed with the rights of the people; and he believed that, in many parts of the House, he should be believed when he made this statement. But they ought never to allow themselves to be blinded to the fact that they could not overlook the actual state of the case. They were bound to consider what the condition of Ireland really was at the present time, and what were the peculiar circumstances which rendered the application of remedies of an extraordinary character absolutely indispensable. Public meetings might, no doubt, be considered as a source of light; but they ought to have some regard to the atmosphere into which the light was carried, and it would be the height of recklessness to carry a light in the form of a naked candle into a chamber filled with explosive material. It had been said that proposals of this character ought to be specially repugnant to the feelings of the Liberal Party. That was perfectly true; but he would call attention to the fact that, at one time, after the Liberal Party had been out of Office for half-a-century, during which they had had to fight the battle of freedom in Opposition, it became their unfortunate duty, but still their duty, and a duty which they did not shrink from performing, in the very first year after the passing of the Reform Bill, to introduce measures which they considered to be absolutely indispensable for the preservation of the peace in Ireland. That was the great Liberal Reform Administration, which was represented by Lord Grey in the House of Lords, and in the House of Commons by a Relative of the present Lord Lieutenant of Ireland. He supposed he might say, without fear of contradiction, that there was no man living who was more indisposed to recommend the adoption of measures of that description than the present Earl Spencer, unless it was that distinguished man, Lord Althorp, who was his Relative, and who was a Member of the Administration just referred to. And yet Lord Althorp, in the very infancy of the Reform Parliament, found it necessary, in the then disturbed condition of Ireland, to introduce a Bill, the very first clause of which contained these words:—

> "That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, at any time after the passing of this Act, and from time to time during the continuance thereof, as occasion may require, by his or their order in writing, of which public notice shall be given, to prohibit or suppress the meeting of any association, assembly, or body of persons which he or they shall deem to be dangerous to the public peace or safety, or inconsistent with the due administration of the law, and by the same, or any other order also to prohibit any or every adjourned, renewed, or otherwise continued meeting of the same or of any part thereof under any name, pretext, shift or device whatsoever, and that every meeting of any association, assembly or body of persons, the meeting whereof shall be so prohibited or suppressed as aforesaid, and every postponed, adjourned, renewed or otherwise continued meeting thereof under any name pretext, shift or device whatsoever, shall be and be deemed an unlawful assembly, and after notice has been given of such meeting having been prohibited or suppressed, as aforesaid, every person present at the same shall be deemed guilty of a misdemeanour, and every such offence, whether committed within any district proclaimed in pursuance of this Act, or elsewhere, in Ireland, shall be tried and punished according to the course of the common law."

MR. PARNELL: May I ask the right hon. and learned Gentleman in what year that Act was passed?

SIR WILLIAM HARCOURT, in reply, said, the Act was passed in the year 1833, the first year after the election of the Reform Parliament.

MR. PARNELL said, he would like also to be informed whether that Act abolished trial by jury in these cases?

SIR WILLIAM HARCOURT, in reply, said, the Act did not abolish trial by jury. The hon. Member for the City of Cork had used the words "in these cases." His (Sir William Harcourt's) reply was, that it established martial law.

Mr. PARNELL asked if the Act just referred to established martial law in these cases?

Sir WILLIAM HARCOURT said, it did not; but it did establish martial law in Ireland. He had said there had always been a feeling of repugnance among the Liberal Party at interference with the rights of the people; but he would also say that it never had been a tradition of the Liberal Party to tolerate disorder or attacks on life and property, whether in Ireland or elsewhere; and if it were true that the measures Her Majesty's Government were now proposing were necessary for the purpose of preventing such attacks, then he had a right to say that they were fulfilling and acting up to the traditions of the Liberal Party; and the Liberal Party—at least as much as the Conservative Party—were bound, under the responsibility of Her Majesty's Government, to preserve the lives and protect the property of the subjects of the Queen. The only question they ought to ask themselves was this—was the situation in Ireland at the present moment such as justified and rendered necessary a resort to measures of this character? If they found that it was so, then he must say that the present Administration would no more shrink from the performance of their duty than did the Administration of Earl Grey. Well, upon that point, he could only say that the opinion of the Irish Government was clear and distinct, that the powers asked for by this clause were absolutely necessary. He would read to the Committee what had been said by Earl Spencer on this subject. Earl Spencer said—

> "The danger of meetings at which inflammatory speeches are made is very great, when the country is in the excited condition in which it has lately been."

He (Sir William Harcourt) would ask the attention of the Committee to these words:—

> "Outrages follow these meetings with remarkable certainty. The Executive have, at great risk, stopped them; but they only rely on sufficient force to prevent bloodshed, and a statutory power to stop meetings believed to be dangerous to the public peace and public safety, and making it an offence for anyone to attend these meetings after such a notice will strengthen enormously the hands of the Government, and one of the greatest dangers to the public peace will be checked."

Such were the views of the Irish Government on this question. Her Majesty's Government were satisfied that those views were well founded; and it was for the reasons he (Sir William Harcourt) had thus stated that Her Majesty's Government had introduced, with whatever reluctance, the clause now under discussion; and it was on these grounds that they felt bound to support the application for the powers it was intended to confer.

Mr. SEXTON said, by what extraordinary selection the right hon. and learned Gentleman the Secretary of State for the Home Department had been charged with the conduct of a Bill which abrogated the liberties of the Irish people he (Mr. Sexton) was unable to understand. The right hon. and learned Gentleman, in endeavouring to strengthen the position of the Government in their attempt to abolish the right of public meeting in Ireland, had referred to a precedent, and had been obliged to go back 50 years for the purpose. He had been compelled to refer to the acts of statesmen who did not claim to be called Liberal, but who were satisfied with the designation of Whig. One would have thought the Government would have been ashamed to refer in that House to the period of 1833, when the tithe movement might be said to have resulted in wholesale slaughter amongst the community, 60 murders having been committed in one county, and 33 in another, in the course of a year. A period such as that, when the country was convulsed with a violent outburst of public feeling, was not comparable to the present time, because the outrages then committed were to the outrages of to-day as ten to one. But coercion had failed in those days as it would again, tranquillity having only been restored by the illusory settlement of the Tithe Question. Although the right hon. and learned Gentleman had thought fit to put forward the Act of 1833 in justification of the policy of the Government, he had, however, not cited the opinion of Lord Morpeth, a man who knew the situation of Ireland, and who testified that the conflict with the forces raging at that period had utterly failed, and that it was only when a milder policy, he would not say of conciliation, was begun, that a period of repose ensued. Did the Act of 1833 tell in favour of the peace of Ireland? On the contrary; for years after the passage of that Act, when other measures of coercion had been piled upon it, as the pile grew higher and higher over the heads of the people, higher and higher grew the amount of crime. It was not until the people had the idea, delusive as it was, that their interests were being attended to; when coercion had proved, after four years' experience of it, that it was useless for the purpose it was intended for, that the Government of the day learned by degrees that there was no cure for the condition of Ireland but to yield to the just wants and wishes of the people. It was then, and then only, that tranquillity was restored. Never was there a more miserable failure than the Act of 1833, and for that reason alone it ought not to have been cited by the right hon. and learned Gentleman. It was true that the Act of 1833 suspended the right of public meeting in Ireland; but did it suspend the right of trial by jury? Even under that Act, that right was untouched, and it was reserved for the Radicals of the 19th century to deprive the people of Ireland both of their right of public meeting and their right to Constitutional trial. Again, it was said that Lord Spencer had expressed the opinion that if he had power to prohibit public meetings, it would greatly strengthen the hands of the Executive Government. But he (Mr. Sexton) contended that the hands of the Executive in Ireland, in that respect, needed no strengthening whatever; and in saying that he stood upon the experience of last year. The right hon. and learned Gentleman had gone into matters of history, but had not touched either of the two questions he had put to him, notwithstanding that he admitted they were somewhat pertinent to the matter in hand. Was it statesmanlike or consistent on the part of the right hon. and learned Gentleman to make that admission, and then sit down with a triumphant air after evading those questions altogether? The Lord Lieutenant had undoubtedly prohibited meetings at Sheriffs' sales, where it was not to be wondered at that the people were exasperated into a state of excitement. But when the Lord Lieutenant exercised the power of prohibiting meetings for the discussion of the agrarian question, was the Executive in any case obliged to resort to force for the preservation of the peace? On the contrary, he said that the moment the proclamation appeared, the public stood aside, and there was no disturbance of the peace. Did it become necessary for the authorities to prosecute any individuals, or did the people in any way persevere in having meetings which were forbidden? Again the answer was in the negative. Then he (Mr. Sexton) said that the past year's experience abundantly proved that the existing powers of the Lord Lieutenant were ample, and that, so far as the clause before the Committee was concerned, the Preamble of the Bill contained a false and unfounded statement. The Preamble of the Bill said that the operation of the ordinary law had become insufficient for the repression and prevention of crime, and that it was expedient to make further provision for that purpose. He (Mr. Sexton) traversed, denied, and declared that statement to be false. The powers already in the hands of the Lord Lieutenant were ample for the preservation of peace and order, and he challenged any hon. or right hon. Gentleman to get up and deny the truth of the statement. Now, if the hands of the Lord Lieutenant were strong enough to combat the difficulties of the situation, as they were abundantly proved to be, it followed that the clause was unnecessary. He once more asked the right hon. and learned Gentleman if the Lord Lieutenant had, in any case, used force in connection with public meetings in Ireland; if public inconvenience had in any case ensued upon these meetings; had the powers of the Lord Lieutenant been found sufficient for the purpose of dealing with them; and, why, if they were, the Government were about to strengthen them?

MR. O'DONNELL said, the right hon. and learned Gentleman the Secretary of State for the Home Department had expressed great reluctance in supporting a clause for the further limitation of public liberty in Ireland. Irish Members must do him the justice to say that his reluctance was admirably dissembled. The right hon. and learned Gentleman had stated that, under the existing law, there was no means of dealing with a prohibited meeting except by dispersing it by force. That being so, would the right hon. and learned Gentleman say that when this clause was obtained the Government would allow public meetings to proceed without dispersing them by force? Would they judge by results whether any action was to be taken with regard to them? He failed to perceive the reason for the previous statement earlier in the evening of the right hon. and learned Gentleman as to the progress of the Bill. If he were so anxious about the time of the Committee, it was difficult to understand why he should delay the Committee so considerably by the introduction of utterly superfluous matter in his lengthy endeavour to prove that the clause was strictly in the ways of the Liberal Party. He (Mr. O'Donnell) would suggest that the right hon. and learned Gentleman should, in future, take all arguments of that kind as said; for it was well understood that the ways of the Liberal Party were always compatible with the most rigorous coercion in Ireland; and, although he stated that the majority of the House would bear him out in his opinion, he (Mr. O'Donnell) ventured to say that there was very little sympathy with the principles of the Liberal Party among those Members who now supported it anywhere outside the four corners of Great Britain. The only result of the clause would be to create as many punishable offences as it might suit the policy or fears of an incompetent Viceroy to call into existence. It had been said as a satire upon foreign tyrants that nothing was easier than to govern by a state of siege. Her Majesty's Government had set about governing Ireland by that means, and the application of that *régime*, discoverable in the present clause, was the most objectionable that could be imagined, because it amounted to this—that the Viceroy, upon some information from persons of whom nothing was known, and whose right to be listened to could not be tested, might prohibit any public meeting in Ireland. That meeting might be most orderly, the speeches at it most mild, and many things might be said there within the bounds of reasonable criticism and appropriate denunciation; yet because the meeting was for the purpose of considering things distasteful to the Government, and the speeches calculated to exhibit the fallacy of the Government policy, the Lord Lieutenant could come down upon it with the whole force of the Bill, bringing before a Court of Summary Jurisdiction in connection with it any persons he chosed, and subjecting them to the degradation and pain of six months' imprisonment with hard labour. The clause gave power to the Lord Lieutenant to create a number of undefined offences, and to trust to the Resident Magistrates to punish them with undefined penalties. He (Mr. O'Donnell) had been accused by an hon. Member, a Friend of the Liberal Party in all their attempts upon the liberties of the Irish people, with having misrepresented the Government in saying that their method of procedure with regard to the Bill was simply to declare their policy and refuse to accept any Amendments. He should be glad to find that he had in that respect misrepresented the policy of the Government, and would be ready to apologize to the hon. Member for Leicester (Mr. P. A. Taylor), if he could see the slightest disposition on the part of the Government to accept the smallest reasonable Amendments to the clause.

Mr. H. SAMUELSON rose to Order. Was it permissible for any hon. Member to discuss the principle of the clause upon an Amendment?

The CHAIRMAN said, as the Minister in charge of the Bill, in expressing the displeasure he felt at the manner the subject was being dealt with, had introduced a somewhat extended discussion upon the clause, it would hardly be becoming for him (the Chairman) to draw the line too strictly. It was entirely out of Order to discuss the merits of a clause upon a simple Amendment.

Mr. O'DONNELL said, he could assure the Committee that he had no intention of following the eloquent second reading speech of the Secretary of State for the Home Department; because that would have the effect of leading the Committee too far from the subject before them. The hon. Member who had just intervened without reason (Mr. H. Samuelson) was, to a certain extent, justified by the action of the right hon. and learned Gentleman, and it was doubtless owing to a truly Liberal tenderness for the conduct of his Chiefs that he had not risen to Order during the speech of the right hon. and learned Gentleman.

MR. H. SAMUELSON again rose—[*Cries of* "Order!"]

THE CHAIRMAN indicated that the hon. Member for Dungarvan was not out of Order.

MR. O'DONNELL, resuming, said, the hon. Member for Frome, having intervened without reason, had now intervened without Order. But to continue. If this clause were passed, unamended as he presumed it would be, in conformity with the programme laid down by the Government, it would be impossible for public opinion in Ireland to find legitimate expression, and in that case it would not only seek, but find illegitimate expression. The conduct of the Government in refusing any Amendment to the clause was simply in keeping with their action upon other clauses of the Bill.

SIR WILLIAM HARCOURT said, he did not think that a very fair charge, inasmuch as he had just signified his willingness to accept the first Amendment on the Paper in the name of the hon. Member for Kilkenny (Mr. Patrick Martin).

MR. O'DONNELL said, the rapid acceptance of the proposal of the hon. Member for Kilkenny (Mr. Patrick Martin) showed how much the clause stood in need of amendment, and the intervention of the right hon. and learned Gentleman was therefore simply rhetorical. He (Mr. O'Donnell) had said if the public were prevented in the expression of their grievances, not only were the people of a country injured, but the Government was also injured, because it shut itself out from the knowledge of what was necessary to the good government of the country. Consequently, the refusal to grant the liberty of public meeting in Ireland was as much a blow against good government as against public liberty; and it confirmed the impression that good government and public liberty were, at the present time, equally apart from the designs of the Liberal Party.

MR. CALLAN said, he thought that the Secretary of State for the Home Department, when referring to the Act of 1833, might have given the Committee some information as to the state of Ireland at the time that Act was introduced. According to a very instructive book by Mr. Leader called *Coercive Measures in Ireland*, which gave some very interesting information as to the proceedings of the Liberal Party, it appeared that in the year preceding the passing of the Act, there were, amongst other crimes, 172 homicides, 1,465 robberies, 468 burglaries, and 425 illegal meetings—of which there had not been one last year—753 attacks on houses, 2,083 illegal notices, 280 arsons, and 3,156 serious assaults. Altogether the crimes connected with the disturbed state of the country at that time amounted to upwards of 9,000, and crime was then increasing. This Act when passed would apply to all Ireland. The happy and prosperous Province of Ulster would be just as much under the purview of this Act as would be the most disturbed parts of the county of Galway. The Act of 1833 did not extend to all Ireland, for the Lord Lieutenant was empowered to issue his proclamation, saying that a district was disturbed, and directing the application of the Act to that district. The Secretary of State for the Home Department, in showing his erudition in coercion, might have referred to the experiences of the Head of the Government, then a Member of a Cabinet, but not a Liberal Cabinet, for the Prime Minister, like many others, had seen the error of his ways. In 1833 the Clontarf meeting was put down by proclamation, and O'Connell was convicted by Judge and jury for having been one of the promoters of that meeting. In referring to the Act of 1833 the Secretary of State for the Home Department kept the Committee in ignorance of the real state of the country at that time. The right hon. and learned Gentleman also concealed from the Committee the fact that the Act of 1833 contained a safeguard that the present Act did not contain—namely, that it should only operate in districts which had been proclaimed by the Lord Lieutenant.

Question put, and *negatived;* words *inserted* accordingly.

MR. DILLON said, the next Amendment was one standing in the name of the hon. Member for Wexford (Mr. Healy), and in the temporary absence of his hon. Friend he (Mr. Dillon) would move it. It was, in page 4, line 15, to leave out from "which" to "safety," in line 16, inclusive, and insert "the holding of which he has reason to believe would lead to a breach of the peace." There were some important considerations connected with the Amendment, and he hoped that in moving it he would not interfere with the right of any other hon. Member to make an Amendment on the same subject. Perhaps the Chairman would kindly put the question as one to leave out the word "which," and thus enable other Amendments to be put. This Amendment raised some important considerations, and he hoped the Government would see their way to accepting it. He listened with considerable attention while the Secretary of State for the Home Department was reading the extract from the 1st clause of the Act of 1833, and one thing had struck him as being very extraordinary. This clause provided that the Lord Lieutenant might prohibit

> "Any meeting which he has reason to believe to be dangerous to the public peace or the public safety."

Now, public peace and public safety were two very different things. If a meeting was believed to be dangerous to the public peace, it was believed that the dangers were such that they might amount to a breach of the peace. Allow him to point out that a meeting might be dangerous to the public safety, because it was held in furtherance of a movement which, in the opinion of the Government, was not a proper movement. There was no meeting held in England in furtherance of any reform which, in the opinion of a large section of the House of Commons, and very often of the Government of the day, was not dangerous to the public safety, because it was held in furtherance of a movement which the House and the Government might strongly disapprove of. If the words proposed to be left out were left in, no public meeting could be held in Ireland in furtherance of a public movement which the Lord Lieutenant considered the Government ought not to approve of. If the Secretary of State for the Home Department was so very anxious to go on the precedent of the Bill of 1833—and he (Mr. Dillon) submitted with confidence to the Committee that the right hon. and learned Gentleman ought not to go beyond the Bill of 1833—he certainly ought to remove the word "or," and make the clause read "dangerous to the public peace and the public safety," which were the words of the Act of 1833.

Sir WILLIAM HARCOURT said, the hon. Member for Tipperary (Mr. Dillon) would excuse him if he said that the words of the Act of 1833 were "which shall be deemed to be dangerous to public peace or safety." Then the Act of 1833 went further than the present Government had thought it necessary to go, for to the two conditions he had enumerated were added the words "or inconsistent with the due administration of the law."

Mr. DILLON said, he had not the Act of 1833 with him; but he would remind the Committee that the Secretary of State for the Home Department, in support of the contention that the clause was necessary, also read portions of a letter from Earl Spencer, the Lord Lieutenant of Ireland, and the wording of the letter was that it would be necessary to strengthen the hands of the Government by enabling him to prohibit meetings which he considered dangerous to the public peace and public safety. These were certainly the words of the Lord Lieutenant as read by the right hon. and learned Gentleman. He (Mr. Dillon) wished to point out that the word "and" made a most important difference. The Amendment of the hon. Member for Wexford (Mr. Healy) would put it in the power of the Lord Lieutenant to prohibit any meeting, the holding of which he considered would lead to a breach of the peace. The question was, were they to place power in the hands of the Lord Lieutenant to prohibit meetings which, in his opinion, were dangerous to the public safety, or was the power to be confined to meetings which, in the opinion of His Excellency, would be likely to lead to a breach of the peace? One of the strongest arguments in favour of the Amendment was the dreadful penalty which was imposed for the offence. The punishment was an excessive and severe one, and as the clause stood, it, no doubt, would be inflicted on persons who simply attended the meeting, and did nothing illegal. He (Mr. Dillon) had had a good deal of experience in attending meetings in Ireland, and he knew of numberless instances in which prohibitions had been made on so short notice that it was absolutely necessary, in order to prevent bloodshed, that some of the popular leaders should attend and call upon the people to disperse. He challenged the Government to instance a single case in which popular leaders had attended meetings to advise the people to disperse, and in which they had not been successful. He asserted, without the possibility of contradiction, that at some meetings the magistrates had acted in a most unreasonable and provoking way, and it was only through the exercise of the influence of the popular leaders that bloodshed and frightful disorder had not occurred. The dispersion of a meeting was excessively dangerous. A meeting was, perhaps, announced a week in advance, the country was canvassed, numerous masses of people were called upon to attend, and perhaps on the Saturday night a proclamation was published in *The Dublin Gazette*—a paper almost unknown in Ireland — prohibiting the proposed meeting as illegal. How were the people of the country districts to be informed of the proclamation, unless it be through their own leaders? He could mention many cases in which people had started to meetings in thousands; but they had been met on the road by priests and leaders of the Land League, and requested to turn back, in consequence of the prohibition of the meeting. The Government could not point to a single instance in which the leaders of the Land League had refused to exercise their influence, and to exercise it with effect in preventing collisions between the police and the people. He supposed he did not overstate it when he said that close upon 100 meetings had been proclaimed during the last year, and that in not a single case had a life been lost and a collision taken place between the authorities and the people. Was it to be supposed that every one of the thousands of people who attended a meeting, innocent of the fact that it had been proclaimed, were to be subject to six months' imprisonment with hard labour? How could the Government expect popular leaders to attend on the spot, and exercise their influence in preventing a collision between the police and the people, if by that attendance they would place themselves in danger of six months' imprisonment with hard labour? He knew of an instance of a meeting in the streets of Dublin, which was dispersed at half-an-hour's notice. He used his influence with the people to cause them to disperse, and they did so; there was no collision with the authorities, although the provocation given by the police was positively frightful. If this clause had been law at that time, he would have been subject to six months' imprisonment for being on the spot. If he had not been there, the people would have been left without any advice, and without any information as to whether the meeting was illegal or legal, except such as they could obtain from the police proclamation. One of the chief objections to this clause was that it would place hundreds and thousands of people in the position of having committed an offence against this Act, when it was utterly impossible to know that their attendance at a meeting would be any offence at all. Another great objection to the clause was that it would enormously increase the danger of collisions between the police, and the military, and the people, because he took it that whenever a meeting was prohibited the military would be sent. If this clause was passed, it would be made a penal offence, punishable by a severe penalty, for any popular leader to attend the place of a proclaimed meeting, and use his influence to cause the people to turn back. He feared that this could only be regarded as a deliberate attempt on the part of the Government to cause collisions between the police and the people. This was a question fraught with very great danger, and, therefore, he earnestly advised the Committee to consider carefully what would be the effect of the clause before they proceeded any further with its consideration.

Amendment proposed,

In page 4, line 15, leave out from "which" to "safety," in line 16, inclusive, and insert "the holding of which he has reason to believe would lead to a breach of the peace."—(*Mr. Dillon.*)

Question proposed, "That the words 'which he has reason to believe,' stand part of the Clause."

MR. T. P. O'CONNOR wished to ask the hon. Member for Northampton (Mr. Labouchere) if he had not an Amendment to propose on this subject?

THE CHAIRMAN: If it is decided that these words stand part of the clause, the hon. Member for Northampton (Mr. Labouchere) cannot move his Amendment.

Mr. HEALY said, he had not intended to move the Amendment, because he understood the hon. Member for Northampton (Mr. Labouchere) had a better Amendment to propose.

Mr. DILLON asked leave to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Mr. LABOUCHERE moved, as an Amendment, in page 4, line 15, to leave out from the word "which" to the word "safety," in line 16, both inclusive, and insert—

> "Convened for an unlawful purpose, or with an intent to carry out a lawful object riotously and tumultuously."

Anyone who took the trouble to read the newspapers that morning would see a good deal about what legal and illegal meetings were, because in all the papers there was a report of an appeal from a conviction of the magistrates of Weston-super-Mare, in regard to a public meeting of the Salvation Army. The magistrates prohibited a public meeting of the Salvation Army, and they committed certain chieftains of this Army for insisting upon marching through the town. The matter was carried to the Superior Court at Westminster, and, from the proceedings in that Court, he (Mr. Labouchere) gathered that the only public meetings which were illegal, according to the English law, were meetings convened for unlawful purposes, or with intent to carry out a lawful object riotously and tumultuously; and that was the reason why he had embodied these words in his Amendment. As the clause now stood, it was left to the Lord Lieutenant to decide whether a meeting was dangerous to the public peace or public safety. The consequence would be that there would be no sort of appeal from the decision of the Lord Lieutenant, because he would say—"I have reason to believe it;" whereas, if they laid down some sort of limitation, it would be open at once for anyone to contest before the Irish tribunals whether the Lord Lieutenant was exceeding his power or not. The Lord Lieutenant would have to say whether a meeting he prohibited was a lawful one or an unlawful one; and if he were to prohibit a meeting that was lawful in itself, the tribunals would step in and stop him. The right hon. and learned Gentleman the Secretary of State for the Home Department would very probably say—"The Lord Lieutenant is a man actuated by the very best motives—he never will make a mistake." Well, he (Mr. Labouchere) was quite ready to admit that Earl Spencer was a man actuated by the very best motives; but, supposing he was, he (Mr. Labouchere) should be sorry to give anyone, either in this country or Ireland, absolute power for the suppression of public meetings, simply because he believed he would not abuse it. What the right hon. and learned Gentleman never seemed to remember was that this Bill was not to be in force only during such time as Earl Spencer was Lord Lieutenant of Ireland. It was not "Earl Spencer" who was mentioned in the Bill, but "The Lord Lieutenant," and the measure was to last for three years. [Sir William Harcourt: Keep the Government in.] The right hon. and learned Gentleman said—"Keep the Government in," and he (Mr. Labouchere) should endeavour to do that; but, notwithstanding all their efforts, it might be that the Government could not be kept in; and he would put it to the Committee, at least to hon. Gentlemen on that (the Ministerial) side of the House, suppose there was a change of Government, would they like to intrust the power of deciding what was or what was not a public meeting to the right hon. Gentleman the Member for North Lincolnshire (Mr. J. Lowther)? It was obvious to everyone on that side of the House that the right hon. Gentleman, if these powers were intrusted to him, would, as he himself would say, use them; but, as they would say, abuse them. He had more than once pointed out that if the right hon. and learned Gentleman had power to prohibit public meetings, and put persons in prison in Great Britain under the Bill, he would have to put down the meetings of the Prime Minister in Mid Lothian, supposing the Prime Minister enunciated such views as those he enunciated during his political campaign. Such a course as that would only be carrying out the views of the right hon. and learned Gentleman, and he (Mr. Labouchere) therefore said, ought they not to put some limitation to the right to suppress public meetings of any noble Lord who might be Lord Lieutenant, or any right hon. Gentleman—and he said "or any right hon. Gentleman," because he presumed the right hon. Member for North Lincolnshire might be again the Adviser of a Conservative Lord Lieutenant, and the right hon. Gentleman's stronger will would practically prevail. The right hon. and learned Gentleman the Secretary of State for the Home Department objected to definitions. He would say—"Good gracious, if you have a definition here you will want one everywhere — you will want a definition of murder." But there were definitions in the Bill—there was a long clause full of definitions—and, as a matter of fact, the right hon. and learned Gentleman wanted to be allowed to define where he wished, to limit the power of the Bill, and not to be allowed to define where he wanted to extend it. He (Mr. Labouchere) would now move his Amendment.

Amendment proposed,

In page 4, line 15, to leave out from the word "which," to the word "safety," in line 16, both inclusive, in order to insert the words "convened for an unlawful purpose, or with an intent to carry out a lawful object riotously and tumultuously."—(*Mr. Labouchere.*)

Question proposed, "That the words 'which he has reason to believe' stand part of the Clause."

MR. TREVELYAN said, the words the Lord Lieutenant might, from time to time, by order in writing, to be published in the prescribed manner, prohibit any meeting "which he has reason to believe to be dangerous to the public peace or the public safety," exactly expressed the object with which the power of stopping these meetings had hitherto been exercised, and the motive with which it would be exercised in the future. The hon. Gentleman the Member for Northampton (Mr. Labouchere), by his Amendment, begged them not to put themselves under the great disadvantage of having no opportunity of ascertaining what the feeling of the people of Ireland was. The hon. Gentleman's argument was not tenable, because if the Government wished to get at what public feeling in Ireland was, they were not likely to prohibit meetings at which that public feeling would be expressed in a legal, orderly, and quiet manner. They would not prohibit them, however unfavourable that public feeling might be to them and to their existence as a Government. The way the Government interpreted the words of the clause was this—that it would apply to meetings which were calculated to lead to a breach of the public peace—meetings which were calculated—he did not for a moment say intended—it might be indirectly, but which were calculated to result ultimately in outrage and violence against individuals, or against a class, or which might intimidate individuals, or which might hinder people in the exercise of their just rights. It was meetings of this class that the Lord Lieutenant had prohibited in considerable numbers—no doubt, in the numbers named by the hon. Member for Tipperary (Mr. Dillon). On that point —and this was, in fact, the only argument he would endeavour to press before the House—he rested on the authority of hon. Gentlemen opposite below the Gangway. They admitted that this power had been very frequently used—they admitted that it was an existing and recognized power. He did not for a moment wish to represent those hon. Members as approving of the exercise of that power. The hon. Member for Northampton said in terms, or implied, that he trusted the present Viceroy. [MR. LABOUCHERE: I said I would trust him comparatively.] That was hardly what His Excellency had a right to expect from the hon. Member. However, the hon. Member trusted the present Viceroy to a certain extent; but said that within the next three years another Government might come in. Well, he (Mr. Trevelyan) had no reason to think that another Lord Lieutenant would exercise these powers in a manner different to that in which Earl Spencer would exercise them. But suppose he did. Suppose they had an arbitrary Lord Lieutenant and an oppressive Chief Secretary for Ireland, if these powers were intrusted to them and they abused them, hon. Members could avail themselves of their right of protesting. Here they had a power which had been frequently put in force. It was a power which had been protested against by some hon. Members individually; but Parliament, as a whole, approved of it, and it had been put in force for 12 months past, and Parliament, as a body, had never objected to it. The question was —and he did not go farther in argument than that—whether this power had been exercised in a manner which would lead to the least possible public inconvenience, and the least public danger. At present the Lord Lieutenant, as the head of the Executive, and responsible for the public peace, prohibited a meeting where he thought it necessary, and supported that prohibition by collecting on the spot a large military force to overawe all opposition. But it was obvious that that, under certain circumstances, would be a most critical process. The hon. Member for Tipperary (Mr. Dillon) challenged him to give an instance where the popular leaders had not supported the law. The hon. Member had given a very interesting account of the manner in which, as he had said, under very disadvantageous circumstances, owing to not having had sufficient notice given, he and those acting with him—the priests and the leaders of the people—had turned people away from their settled purpose, in order that there might not be a collision with the authorities. But then there might be leaders —people who called themselves popular leaders, but who led only a very small part of the populace—who might take a very different action to the hon. Member and his friends, and, with them, the only method of enforcing the order of the Executive might be by dispersing the meeting by force, and, perhaps, killing and wounding those who resisted. The 7th clause gave that power. It did not create a power, but gave a statutory power, which, under the clause, in certain cases, would replace the power that existed, and which, under present conditions, might lead to a collision that all would deplore.

Mr. HEALY said, that, according to the argument of the right hon. Gentleman the Chief Secretary for Ireland, the more wrong they did, the more wrong they ought to be able to do. Because the Government had exercised, in an arbitrary manner, a certain power without the smallest show of authority, during the whole of last year, they were to have a legal right to do it. Supposing they were dealing with a people less peaceful and more fully armed than the people of Ireland, what would happen? Suppose the Government issued a proclamation telling a meeting of these people to disperse, and suppose the people did not choose to do so, they might come out with scythes and pikes. There might be scenes such as were witnessed at the famous Peterloo affair. Who would be responsible for such things? Would it not be the Government, who chose to act arbitrarily and without legal authority? But because the Irish people were peaceful and disarmed, and they had acted arbitrarily against them recently, the Government made that a precedent for asking for legal power to do that which they had been doing without authority. That was the sum and substance of the right hon. Gentleman's case—because the people had acted, he (Mr. Healy) would not say tamely, but had, with calmness and with patience, submitted to the unauthorized, harsh measures of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) and Earl Cowper, therefore powers were to be taken to do in a legal way what had been done illegally. The Lord Lieutenant evidently could suppress meetings at present if he chose; and, that being the case, it was surely mere verbiage to put such powers as this in the Bill. To say—

> "The Lord Lieutenant may from time to time, by order in writing to be published in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety"

was simply the gilding of the pill. They might just as well say "the Lord Lieutenant may prohibit any meeting in Ireland," because when he wanted to prohibit a meeting, he would at once imagine it to be "dangerous to the public peace or the public safety." The Government might be frank, and strike out all the words after the word "meeting;" but they would not do that. They wished to have, at least, the appearance of acting in a legal and Constitutional manner. Englishmen dealing harshly and arbitrarily with Ireland, whether by Act of Parliament or otherwise, must always soothe themselves with the belief that they were doing everything for the people's good in a regular and proper manner. They could never think they were acting as brigands, because they had an armed force behind them. The fact was, the Government were showing a disposition to throw dust into the eyes of the people of this country; and such an attempt, although it might succeed here, would never deceive the Irish people. Meetings were to be prescribed, and they had sought to be informed of the view of the Lord Lieutenant as to the particular gatherings which were to be put down, but, so far, without success. Was an indoor meeting liable to be proclaimed as well as an outdoor meeting? As far as his own knowledge of Irish meetings went—and he had the fortune to attend a great many, both indoor and outdoor meetings—he was ignorant of disturbance. If a meeting was announced to be held in the Rotunda in Dublin to denounce the policy of the Chief Secretary for Ireland, or the Secretary of State for the Home Department, would it be proclaimed, notwithstanding that there would be no fear that such a meeting would be conducted in a tumultuous manner? Were indoor meetings to be placed in the same category as outdoor meetings, for some of the former would be very similar in character to the latter? There was very poor accommodation for indoor public meetings in all Irish towns. Save, perhaps, Dublin, Belfast, Cork, and a few other cities, there were very few town halls or public buildings in the country which would hold over 200 people. It appeared to him that the Government were going to proceed on an altogether fallacious assumption. They were going to prohibit meetings; and why? Not only because they would be dangerous to the "public safety," but because they would be dangerous to the "public peace;" and the sub-section spoke of "meeting," and not of "public meeting." It would, therefore, be open to the Lord Lieutenant to put a stop to private as well as public meetings; and whose information were they going to act on? Why, on the information of the Clifford Lloyds of Ireland. It would not, in reality, be the Lord Lieutenant who would be exercising the power to prohibit meetings, but the Clifford Lloyds. He did not believe that the present Lord Lieutenant would be a bit more careful in his action than any other Lord Lieutenant; he did not believe the stuff and nonsense about the way in which the Liberal Government would carry out the Bill. He would as soon trust the right hon. and learned Gentleman the Member for Dublin University (Mr. Gibson); he would as soon trust the Duke of Marlborough, or whoever he was, with the power of carrying out the Bill as the present Chief Secretary and Earl Spencer. He did not attach the smallest importance to the Administration which would carry the Bill out, because it would not, in any case, be the Lord Lieutenant or the Chief Secretary who would act. The voice, indeed, might be the voice of Jacob, but the hands would be those of Mr. Clifford Lloyd and such like people. The Government would have to act on the information of the local authorities; and he therefore wished to know whether every meeting to be held henceforth in Ireland, whether in the open or indoors, was to be at the mercy of the local authorities? On what principle would the Government act? Would they, at the request of the local authorities, suppress meetings convened for the purpose of advocating fair rents and complaining of high ones, or to complain of the adjudications of a certain Sub-Commissioner? Under what circumstances would the Government act? That might depend on the temper of the Mr. Clifford Lloyds at the moment, and, from first to last, the Lord Lieutenant would have nothing to do. The power would be in the hands of the local authorities—the village tyrants, acting against law and order, and against such power Irish Members protested.

Mr. DILLON said, he was obliged to the right hon. Gentleman the Chief Secretary for Ireland for admitting that he (Mr. Dillon) had done nothing against the course of law and order. By the admission of the right hon. Gentleman he had successfully kept the people within the law, and made them obey the laws; and yet a clause was now to be passed which could only have been justified if he and his friends had not exercised their influence. The Chief Secretary for Ireland said that collisions might take place. Therefore, the people were to be punished, by these very stringent powers, for acts which they had not done, and he and his friends were not to get any credit for the influence they had exercised. Was that fair and reasonable? While there was no ground for arguments, there was nothing to support this clause, except that the right hon. Gentleman thought something might happen. He admitted that collisions had not happened during the recent administration of his Predecessor, and he did not attempt to meet the arguments advanced against the clause. He (Mr. Dillon) did not see how the argument was to be met, that this clause would render people who went to meetings liable to punishment; and against that the only argument was an apprehension, which was not shown to be well founded, as to something that might happen in the future. The Act would work against a number of people who might be doing a perfectly innocent thing, and were in no way acting against the law.

Mr. P. MARTIN said, he agreed in the statement that under the existing law the Lord Lieutenant had power by proclamation to prohibit the holding of a meeting, and that it was in the interest of peace and good order that his order should be obeyed. Proclamations of that character had been issued by the late and many previous Viceroys. But this clause enlarged and extended that power which the Lord Lieutenant now had, made his arbitrary will the sole test of the legality of the exercise of that power, and would render it an offence in anyone to attend once the order was made. At present, it was true, the Lord Lieutenant, after proclamation made, might send down and disperse a meeting; but, though it was the duty of every subject of the Queen to leave quietly on request of the lawful authority, yet the proclamation did not, under the existing law, prevent him from thereafter contesting the legality of the order. That he was correct in the view which he submitted as to the present limital on the power of the Lord Lieutenant, and the effect of its exercise, was shown in the most conclusive manner by the manner in which framers of the Act of 1833 dealt with the subject of illegal meetings. Unquestionably, in that Act, as in the present Bill, a new offence was created; but it was created, not by virtue of the issue of the proclamation, as was proposed in this Bill, but by the notification of the fact of the proclamation. That was shown by the 2nd section of the Statute, which said—

> "And in case any of the persons so met or assembled together shall not disperse or depart within the space of one quarter of an hour from the time of such notice or demand being given shall be deemed guilty of misdemeanour, and it shall be lawful for them to be indicted for the same."

Then there were special provisions, showing that there must be a special notification to those persons by a Justice of the Peace. That section conclusively showed that the framers of the Act meant the misdemeanour to be constituted by the fact of notification. But in this Bill the offence was made punishable on proof simply that the order had been made, and the fact of attending at the meeting. The instant the proclamation was made from Dublin Castle, although it might not be notified to any person, say, at 4 o'clock in the afternoon, persons attending a meeting held at half-past 4 in some distant part of the country would be held guilty and liable to six months' imprisonment with hard labour. When he found that the framers of the Act of 1833—the most stringent Act ever placed on the Statute Book with respect to Ireland—did not give such power, he thought it necessary to introduce a safeguard in the way suggested in the Amendment which stood in his name. He thought the Government could not refuse to amend this clause of the Bill. In reference to the allusion which had been made by the Secretary of State for the Home Department to the name of Lord Althorp, let him remind the Committee that though the Act of 1833 was introduced when Lord Althorp was Prime Minister, yet, as he believed, it was in consequence of the passing of that Act and his disgust with its unnecessary stringency that Lord Althorp had found himself compelled to retire from the Cabinet.

Mr. BIGGAR said, that owing to the absence of the right hon. and learned Gentleman (Sir William Harcourt), who had special charge of the Bill, the Committee were not in a position to listen to arguments upon the question, and he thought the best thing now to do was to report Progress. It was exceedingly inconvenient to have a discussion on an Amendment when the Minister in special charge of the Bill was not present to be influenced by the arguments advanced, and to reply to them on the one hand, or to give way to their arguments and amend the Bill on the other. He therefore moved to report Progress.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Biggar,*) —put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

BATHS AND WASHHOUSES ACTS AMENDMENT BILL.

On Motion of Mr. STANHOPE, Bill to amend the Baths and Washhouses Acts, *ordered* to be brought in by Mr. STANHOPE, Mr. CHAPLIN, and Mr. GORST.

Bill *presented*, and read the first time. [Bill 201.]

EJECTMENTS SUSPENSION (IRELAND) BILL.

On Motion of Colonel NOLAN, Bill for the suspension of Ejectments in Ireland, *ordered* to be brought in by Colonel NOLAN, Mr. O'SHEA, Mr. JUSTIN M'CARTHY, Mr. LALOR, Mr. MARTIN, Mr. DICKSON, Mr. FINDLATER, Mr. LEA, Mr. MOORE, Mr. BIGGAR, Mr. RICHARD POWER, and Mr. WHITWORTH.

Bill *presented*, and read the first time. [Bill 202.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 15*th June*, 1882.

MINUTES.]—PUBLIC BILLS—*First Reading*—Customs and Inland Revenue Buildings (Ireland)* (142); Public Schools (Scotland) Teachers* (143); Local Government (Gas) Provisional Order* (144); Local Government Provisional Orders (No. 7)* (145); Local Government Provisional Order (No. 8)* (146); Local Government Provisional Orders (No. 9)* (147); Pier and Harbour Provisional Orders* (148); Tramways Provisional Orders (No. 3)* (149); Local Government Provisional Orders (No. 4)* (150).

Second Reading—Entail (Scotland) (115).

Committee — Report — Irish Reproductive Loan Fund Act (1874) Amendment* (120).

Report—Municipal Corporations (Unreformed)* (140).

Third Reading—Metropolis Management and Building Acts Amendment* (104); Boiler Explosions* (129); Local Government Provisional Orders* (106); Local Government Provisional Orders (Poor Law)* (107), and *passed.*

EGYPT—THE POLITICAL CRISIS—THE RIOTS AT ALEXANDRIA.

QUESTION.

THE MARQUESS OF SALISBURY: My Lords, I beg to ask the noble Earl the Secretary of State for Foreign Affairs, Whether he can give to the House any information with respect to Egypt, and especially information with respect to the course which Her Majesty's Government propose to take with reference to recent events in Alexandria and the state of things there?

EARL GRANVILLE: My Lords, in answer to the noble Marquess, I have to state that a telegram was received yesterday from Alexandria which reported that all was quiet. The town was patrolled day and night, and the troops were apparently doing their duty. The Khedive and Dervish Pasha had assured the Consuls of their confidence in the maintenance of public order. There was a considerable panic among the Europeans, and numbers have taken refuge on board the iron-clads and on an Egyptian steamer. Arrangements have been made to have the refugees removed in merchant vessels. One has been taken up by the Admiral, another at Port Said is to be sent at once to Alexandria, and two more are being engaged. Sir Beauchamp Seymour has been asked to telegraph whether these are sufficient. Sir Edward Malet arrived at Alexandria yesterday. He telegraphed at 10.30 P.M. yesterday that at present the military are behaving well, and keeping order in the streets—apparently in earnest. As to the measures which the Government have taken, and propose to take, in connection with the European Powers and with Turkey, with regard to Egypt, I can well understand that your Lordships must feel great curiosity in the matter, but it is out of my power to give the House any further information at this moment.

THE MARQUESS OF SALISBURY: My Lords, I have heard the statement of the noble Earl with very great regret. I can understand, with respect to the general policy being pursued in Egypt, that the time has probably not come for announcing the intentions of Her Majesty's Government, or for discussing the expediency of the course which they propose to take. I can understand that, with respect to the relations that this country maintains with France, there must for the present be considerable reserve, though I hope it is fully understood by Her Majesty's Government, as well as by others, that we are free to obtain the objects of English policy alone, if we cannot attain them in concert with other Powers. But other more pressing matters have been going on, which Parliament can hardly pass over without notice, and with respect to which I think the reticence of Her Majesty's Government is misplaced. Great works of British industry are being destroyed; vast quantities of British capital are not only being imperilled, but investments that have developed during long years of confidence are being utterly destroyed, so that they cannot be restored again; and while the lives of British subjects, of British officials, of officers of the British Fleet are being sacrificed in a seaport town within sight of the Fleet, surely, my Lords, it is not too much that Parliament should ask to know what measures the Government propose to take for the protection of these imperilled interests and lives in this moment of acute crisis, and that your Lordships should ask for some explanation as to the position of the Fleet, and the functions which it is supposed to perform. For what was the Fleet sent to Alexandria? For what is it kept there? Many views could be advanced with respect to the object that the Fleet has to fulfil. It might be supposed that its object was to support the Government of the existing Viceroy; but that object it clearly has not fulfilled. It might be thought that it was to demonstrate the power of Great Britain; but it has demonstrated exactly the reverse. It might be supposed that its object was to enforce the demands which the Government have put forward in most peremptory language, and of which, according to their declarations, they are prepared to exact the fulfilment if necessary. Among those demands one for the removal of Arabi Pasha stands prominent; but he has not been removed; and, if we are not misinformed, he has been taken into counsel by the Representatives of the Sultan with the knowledge of the Representative of England, with a view to the maintenance of that order, which neither the Suzerain nor the Foreign Powers can maintain. The Fleet, therefore, has done nothing whatever to fulfil the pledge given by Her Majesty's Government that they would exact the fulfilment of their demands. It might be supposed that at least the Fleet would perform the humbler, but most useful and necessary, function of protecting British lives and property. But all that it has been able to do is to furnish a safe place from which British officers, powerless to prevent what has occurred, have been able to witness the painful and revolting spectacle of British subjects slaughtered at the water's edge. My Lords, if these things are true, it becomes necessary to ask why the Fleet is there, and why it stays there? This is called a Naval Demonstration; but what does it demonstrate? Does it demonstrate anything else than the impotence of Great Britain and the feebleness of her Ministers? If it had not been for the Fleet, much of what has happened would not have occurred; though the Fleet has done nothing else, it has been very potent to inflame the passions of the Egyptian people. It is not too much to say that upon those who sent that Fleet there, without the resolution to follow up the act with the force necessary to give effect to their policy—that upon them lies the responsibility of the bloodshed which was caused by the passions which the presence of the Fleet has provoked? My Lords, with no wish to interfere with the course of the policy upon more lasting matters which will be pursued by Her Majesty's Government, and only desiring to know what provision they are taking to meet the actual crisis, and to protect lives and industry that are actually threatened, we have a right to call upon the Government for a more full declaration of their actions and intentions. It would, undoubtedly, be a very humiliating thing to withdraw the Fleet; but to leave it there to look on helplessly and passively, while British menaces are being disregarded and British policy frustrated—while the work which British industry has laboriously built up during long years and at great expense are being destroyed, and while British subjects are being slaughtered, is a lower, a still deeper depth of humiliation.

Earl GRANVILLE: My Lords, at critical moments during the late Administration I sometimes, but not in exaggerated numbers, put Questions to Her Majesty's Government; but in no instance did I insist upon having information when it was declared undesirable that it should be given. The noble Marquess, in making this violent attack upon Her Majesty's Government, has not given any indication of the measures which he would wish to see taken, otherwise than by suggesting that it would be desirable that we should separate ourselves from France, forbear to ally ourselves with other Powers, and withdraw our Fleet from Alexandria. [*Cries of* "No!"] The noble Marquess certainly said that unless we were going to take active measures in Alexandria, it would be better that the Fleet should leave that place.

THE MARQUESS OF SALISBURY: I said that it would be better that the Fleet should come away than that it should be the helpless and passive spectator of the destruction of British lives and property.

EARL GRANVILLE: My Lords, I deny that the Fleet is either helpless or passive. The noble Marquess, the other day, when he made a great condemnation of the policy of the Government, came before your Lordships with a telegram in his hand, and advised us to take immediate action by proceeding in a particular way in connection with the subject of certain earthworks at Alexandria. We, however, thought it more judicious to ascertain the views of those who were on the spot; and we found that the opinion of the Egyptian functionaries, of the English functionaries, and of our Admiral, was that we had better not take the sudden step recommended by the noble Marquess. The Admiral has a discretionary power to act; and I beg to say that I believe he will act in the way which may be most judicious. But we shall not be driven by any taunts into doing anything which we may think injudicious with regard to the lives of the Europeans in Egypt. With regard to the question generally so intimately connected with the whole subject, the noble Marquess admits—and I might be forgiven were I to express some surprise at his doing so—that he does not require further explanation now.

ENTAIL (SCOTLAND) BILL.

(*The Earl of Rosebery.*)

(No. 115.) SECOND READING.

Order of the Day for the Second Reading read.

Moved, "That the Bill be now read 2ª."—(*The Earl of Rosebery.*)

EARL CAIRNS said, he did not intend to oppose the Bill at this stage. On the contrary, from his present information, he was disposed to give it his support. He wished, however, to urge upon his noble Friend the desirability of allowing a reasonably long period to elapse before the stage of Committee, so as to enable the House to consider the Bill carefully. Amongst other things, there was a power in the measure very similar to the Settled Land Bill, which had passed through their Lordships' House, and was now in "another place." Under the present Bill, unless he were mistaken, the money produced from a sale in Scotland must be invested in the estate and be subject to the restrictions of the entail; but under the Settled Land Bill the money might be used for various other purposes—for example, the improvement of other land. He was by no means certain that the securities with regard to the money produced by the sale of land were as wide as they should be in the present Bill.

THE DUKE OF BUCCLEUCH said, he was not going to oppose the second reading of the Bill; but he thought some more information with regard to it was wanted. His noble Friend ought to have given some general details as to the object of the Bill. There had been so many alterations of late in the Law of Entail in Scotland that it was very difficult to know what the law was. In the 7th and 10th clauses there were some important points, these provisions being of an extremely stringent character. There might be very good reasons for the next heir refusing his consent to the disentailing of the land; but if he did, as he understood the Bill, the heir in possession had only to apply to the Court. The Court was not called upon to make an investigation to satisfy itself that the application was right and good; but it should immediately proceed to direct a sale as if the consent had been obtained, whether the heir liked it or not. Cases might arise with regard to minors, in which such powers as these might lead to great hardships. He referred to these points to show that the noble Earl in charge of the Bill ought to direct his attention to them. The Bill had been brought on for second reading so rapidly that he had not had time to communicate with Scotland and obtain the views of the Legal Profession in regard to it, or to ascertain the general feeling of the country. Moreover, the half-yearly county meetings were all over, and there would be no opportunity, at any rate for some time, to obtain an expression of opinion from them. He thought the noble Earl should allow them ample time, though, of course, he would not ask for a very considerable delay, before taking the Bill in Committee. It would be necessary to consider several Amendments, which it would take some time to prepare.

THE MARQUESS OF LOTHIAN said, it seemed to him the object of the Bill was practically to do away with entails in Scotland altogether. As he understood the provision, any heir of entail in possession would be able to disentail his estate without the consent or against the wishes of the next heir of entail. There would be no power to prevent the disentail by the fact that the next heir of entail was under 21 years of age, or of any legal disability. He was not at all opposed to the principle of the Bill; but he hoped the noble Earl (the Earl of Rosebery) would, when the Bill came into Committee, explain what would be the practical effect of its operation. He quite agreed, although there had been many Entail Bills for Scotland, that it was highly desirable that some such Bill as this should be passed, because at this moment it was almost impossible to understand exactly what the law really was, there were so many different cases. There were the cases of those old entails before the passing of the Rutherford Act; there were the new entails subsequent to the Act, and the entails which had been altered by the Act of 1875. In consequence of the different Acts, which only applied to some entails and not to all, there was a state of confusion, and he thought it was highly desirable to put a stop to that state of things. He hoped the noble Earl would agree to postpone the Committee for some little time, so that if the Bill passed it would be a satisfactory one, and that they should not require any further measures dealing with the same subject.

THE EARL OF ROSEBERY: My Lords, as it does not appear that any other noble Lords wish to address the House, I will, with your permission, say a very few words in reply to, or in acknowledgment of, what has been said; because, as a matter of fact, my first duty is to thank the House very sincerely for the spirit in which it has approached the consideration of this Bill. As regards what has been said about the haste with which this Bill has come to the second reading, I will only say that, having heard no word of objection privately or publicly against the Bill, I fixed the second reading for to-day; but if any noble Lord had wished me to postpone it, and given me the slightest intimation to that effect, I should have thought it my duty to accede to the request. I need hardly say that any day which is convenient to the noble and learned Earl (Earl Cairns) and the noble Duke opposite (the Duke of Buccleuch) will be fixed for Committee on the Bill. As regards what the noble and learned Earl said, I admit that, in my opinion, there is very great force in it. I do not myself think that the uses to which the entail money are to be applied under the Bill are sufficiently wide; but, in introducing a Bill of this nature to your Lordships' House, it is necessary for the Government to consider not merely what is desirable in the abstract, but the attitude which might be maintained by noble Lords towards it; and, therefore, I think we introduced a Bill in this respect, as in others, of an extremely moderate character. As to what fell from the noble Duke, I have to thank him very warmly for not offering his opposition—which would necessarily be a most powerful opposition—to the Bill. It is quite true that the next heir under this Bill will not have the option or power of opposing a sale, but it is true that his interest will be preserved from the result of the sale; and I would remark that, if the opposition of the next heir were to be valid against such a sale, it would be practically of no use bringing in a Bill at all; because under the Act of 1875, passed under the late Government, the power given was to dispense practically with all consent except that of the next heir; and, therefore, if we did not dispense with the consent, and make one step in advance, it would have been useless bringing in a Bill at all. The noble Marquess (the Marquess of Lothian), whose support of the Bill I must also acknowledge, seemed to be a little vague as to the main object of the Bill. The object of the Bill may be stated in one word; it is, that no man in future, no landed proprietor, need remain under entail unless he chooses; but all the interests which have been hitherto respected are respected now. If the heirs of these estates get their due proportion, I do not think there is much tocomplain of. The noble Duke, I think, complained that I had not offered any explanation of this important measure. The fact is, I did offer an explanation when I introduced the Bill—only the audience was exceedingly limited. At the suggestion of the noble Marquess (the Marquess of Salisbury), I have added a Memorandum to the Bill, which will give a far more lucid explanation than I could give. I do not know that there is anything else which has fallen from the noble Lord that renders it necessary for me to say more. I can only repeat my thanks to noble Lords for the spirit in which they have received this measure, and ask them to give it a second reading. I shall consult their convenience in naming a day for the Committee stage.

Motion *agreed to;* Bill read 2^{a} accordingly, and *committed* to a Committee of the Whole House on *Thursday* the 29*th instant.*

House adjourned at a quarter past Five o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 15*th June,* 1882.

MINUTES.]—PRIVATE BILLS (*by Order*)—*Third Reading*—North London Suburban Tramway*; Swindon, Marlborough, and Andover Railway *, and *passed.*

PUBLIC BILLS—*Ordered—First Reading*—Surrey Trial of Causes* [204]; Real and Personal Estate (Accumulation of Income)* [205]; Cruelty to Animals* [206]; Ancient Monuments* [207].

Second Reading—Metropolitan Board of Works (Money) [176].

Committee—Prevention of Crime (Ireland) [157]—R.P. [*Twelfth Night*]; Vagrancy (*re-comm.*)* [199]—R.P.

Report—Local Government Provisional Order (No. 11) * [186].

NOTICES OF QUESTIONS.

EGYPT—THE POLITICAL CRISIS.

MR. M'COAN: I beg to give Notice that to-morrow I shall ask the Under Secretary of State for Foreign Affairs, Whether, in sending the troops now said to have been telegraphed for by the Khedive and Dervish Pasha, the Sultan will do so as Sovereign of Egypt or as mandatory of the European Powers; and, in either case, whether any and what guarantee has been taken by the Powers that the intervention thus made by the Porte shall be strictly limited to, and cease with, the suppression of the present revolutionary movement?

SIR CHARLES W. DILKE: Sir, I think it only courteous to the hon. Member to say that I shall not be able to answer the Question. It is, no doubt, an extremely interesting Question, but I shall be quite unable to answer it.

MR. BOURKE: I beg to give Notice that to-morrow I shall ask the Prime Minister, Whether His Majesty the Sultan has shown any indisposition to take those measures which the Governments of England and France have suggested to him for the restoration of order in Egypt, and to make good the authority of the Khedive; whether he will state the reasons which induced Her Majesty's Government to press the Sultan to consent to a Conference; and whether Her Majesty's Government will join in any demand the Powers may make upon the Sultan to act as their mandatory instead of as Sovereign of Egypt?

MR. ONSLOW: I beg to give Notice that to-morrow I shall ask the Under Secretary of State for Foreign Affairs, Whether it is true that the officers and men of Her Majesty's ship *Superb* who were killed in the recent outbreak were buried at sea, and why they were not buried at Alexandria; whether Her Majesty's Government have warned British subjects at Cairo, whose safety now depends upon Arabi Pasha, that they had better leave Egypt; and what arrangements have been made to receive the large number of European refugees now at Alexandria on board the ships of the fleet?

QUESTIONS.

TURKEY AND GREECE—MURDER OF MR. OGLE.

MR. H. SAMUELSON asked the Under Secretary of State for Foreign Affairs, Whether the Greek Government have yet instituted the long promised inquiry into the murder of Mr. Ogle; and, if not, whether Her Majesty's Government will use their best endeavours to secure the earliest possible investigation of the case, and the presence thereat of a representative of this country?

Sir CHARLES W. DILKE: Her Majesty's Minister at Athens telegraphed on the 10th instant that the preliminary inquiry into the circumstances of Mr. Ogle's death had been actively carried out, and that the Greek Government were now prepared to proceed to an investigation at Volo, at which a British Representative would attend. Mr. Merlin, British Consul at the Piræus, will accordingly be present at the inquiry, which will be proceeded with as soon as possible.

DEBTORS' (SCOTLAND) ACT, 1880—KENNETH MACKENZIE, A BANKRUPT.

Dr. CAMERON asked the Lord Advocate, Whether his attention has been called to the deposition of the bankrupt, Kenneth Mackenzie, examined at Dingwall, in which he deponed that he was indebted to an amount exceeding two hundred pounds, but had no books or accounts, and that such books as he at one time kept he had burnt within four months of the presentation of a petition against him for cessio, and that he had written to one creditor offering to pay him ten shillings in the pound "if he would pretend to accept two shillings, and not tell the other creditors;" whether, under "The Debtors (Scotland) Act, 1880," it is a crime punishable by imprisonment, with or without hard labour, for a bankrupt, within four months next before the presentation of a petition for cessio, to have destroyed or mutilated any book, document, paper, or writing, relating to his property or affairs, or, if his debts exceed two hundred pounds, not to have kept such books or accounts as, according to the usual practice of his business, are necessary to explain his transactions, unless he proves to the satisfaction of the court that he had no intent to defraud; and, why no proceedings were taken by the Crown Office under that statute in Mackenzie's case?

The LORD ADVOCATE (Mr. J. B. Balfour): Sir, I have made inquiry into this matter. The deposition of Kenneth Mackenzie was made more than a year ago, on 3rd June, 1881. It contains the admissions set out in the Question. Mackenzie stated that he kept certain books in pencil; but they do not appear to have been proper mercantile books. He was the son of a crofter, residing in his father's house, and had no shop of his own, although he seems to have obtained a quantity of boots and shoes on credit. He appears to have been an ignorant man, imperfectly acquainted with the English language. The provision of the Debtors Act is correctly recited in the Question. The case was reported to my Predecessor, and fully investigated by his instructions. The Procurator Fiscal reported that, in his opinion, and that of the Sheriff who presided at the examination, the case was a very trifling one, and the Crown Counsel decided at the time that there were not materials for a successful prosecution.

ARREARS OF RENT (IRELAND) BILL—THE IRISH CHURCH FUND.

Sir HENRY HOLLAND asked the Secretary to the Treasury, If he will state what were the arrears in respect of the permanent income of £293,455 per annum of the Irish Church Fund on the 1st April 1881, and the arrears on the 1st April 1882; and, whether it is proposed by the Government to make any allowance, on the principle of the Arrears of Rent (Ireland) Bill, to the persons from whom this income, consisting of the tithe rent-charge, perpetuity rents, and interest on mortgage, is derived?

Mr. COURTNEY: The arrears on the permanent income of the Irish Church Fund were, on the 1st of January, 1881, £156,000, and those on the 1st of January, 1882, are estimated at £148,000. These are accumulated arrears. I cannot admit the analogy implied in the latter part of the Question, and as yet no suggestion has been made for remission of the character indicated.

ARMY (AUXILIARY FORCES)—MILITIA SURGEONS PENSIONS.

Mr. O'SHAUGHNESSY asked the Secretary of State for War, Whether it is true that, on the compulsory retirement under 68A. Circular, January 1882, of militia surgeons holding commissions from lord lieutenants of counties, at the age of sixty-five, the pension of six shillings a day, to which, under certain circumstances, such surgeons were entitled to has been refused them; and, if he will explain under what enactment the right to this pension is alleged to have been destroyed?

Mr. CHILDERS: Sir, in reply to my hon. and learned Friend, I have to state that until 1829 Militia surgeons were members of the permanent Staff, and, like other officers of that Staff, entitled to pensions on reduction of the force, or on retirement through age or infirmity. But no Militia surgeon appointed since 1829—that is to say, during the last 53 years—has been entitled to a retiring allowance. Her Majesty has always had the power to decide at what age Militia officers should cease to serve, and in 1872 this age was fixed at 60, although retirement was not enforced in every case. In 1881 it was decided that at 65 all Militia surgeons must retire, this being a boon to them compared with other Militia officers.

SMALL TENEMENTS AND HIGHWAY RATES—LEGISLATION.

Mr. HICKS asked the President of the Local Government Board, When he proposes, in pursuance of his promise of March 10th, to bring in a short Bill to again place owners of small tenements in the same position as regards highway rates as they now are as regards poor rates, and in which they were as to highway rates before the repeal of the 13 and 14 Vic. c. 99, by the Act 38 and 39 Vic. c. 66?

Mr. DODSON: On Monday, Sir.

CRIMINAL LAW—RELEASE OF CRAWSHAY CRAWSHAY, A CONVICT.

Lord GEORGE HAMILTON asked the Secretary of State for the Home Department, If there was any special reason for discharging from custody a prisoner named Crawshay Crawshay, who was convicted of fraudulently embezzling public money belonging to the Heston and Isleworth Local Board, at the Central Criminal Court, on 2nd April 1881, when he had only served half his sentence; and, whether he was aware that at the above trial there were seven other similar indictments against the prisoner that were not proceeded with, and that the Recorder, in passing sentence, said,

> "Had the Board proceeded with the other Bills, and not recommended you to mercy, it would have been my duty to have sentenced you to penal servitude. You will go to prison for two years with hard labour?"

Sir WILLIAM HARCOURT, in reply, said, there were very special reasons for discharging this prisoner. Early in the present year the Recorder reported to him that, under the circumstances of the case, the prisoner should not have been convicted; that he had not had fair play, and that the testimony on which he was convicted was incorrect and misleading; and that, in his (the Recorder's) opinion, all further punishment ought to be remitted. In these circumstances, he had ordered the discharge of the prisoner.

TRADE AND COMMERCE—TREATY OF COMMERCE WITH SPAIN.

Mr. HENRY LEE asked the Under Secretary of State for Foreign Affairs, Whether any progress has been made in securing for this Country, by means of the "most favoured nation clause," the advantages obtained by France and Germany in the Treaty recently made by them with the Government of Spain; whether he is aware that the difference between the terms given to France, and those accorded to nations not having a Treaty of Commerce, is from 35 to 70 per cent.; whether he can state the quantity of Spanish wine imported into Bordeaux during the past year; and, if he is aware that the Spanish wines are reduced in strength, adulterated, and coloured with a certain drug, in order to render them available for the English market?

Sir CHARLES W. DILKE: Sir, Her Majesty's Government are not at present in a position to make public the nature of the exchange of ideas which is now taking place between the two Powers with the view to place their commercial relations on a better footing. I am aware that in the case of some goods the difference of rate of duty referred to does exist. The French official figures for 1881 of the import of Spanish wine into Bordeaux separately are not yet published; but the total importation of such wine was about 5,500,000 hectolitres, or five-sevenths of the imports from all countries. We are aware that both Spanish and Italian wines are largely mixed with French wines and with water, and exported to this and other countries; and, according to M. Leroy Beaulieu's statement, they are also drunk in Paris; but it does not appear to be usually necessary to colour the mixture in the case of Spanish wines, which are often of very dark colour.

STATE OF IRELAND—THE MURDERS OF MR. BOURKE AND CORPORAL WALLACE.

Lord EUSTACE CECIL asked the Secretary of State for War, Whether it is true, as stated in the "Times" correspondence from Ireland on Monday, that by a singular omission of the authorities the three dragoons appointed to protect the late Mr. Bourke were unprovided with horses, except at the expense of the person protected, the result having been that Mr. Bourke, bringing but one guard with him, and having him upon the same vehicle as himself, lost the advantage which a separate and double guard would have afforded him; whether it is true that in consequence of the regulation that no trooper is to carry his carbine loaded, unless at full cock, the practice is not to load until the occasion arises; and, if so, whether any alteration of the regulations in both matters is contemplated?

Sir WALTER B. BARTTELOT asked the Secretary of State for War, with reference to the recent assassination of Mr. Bourke and his escort, Whether it was consistent with the orders given about escorts that only one man should be on that duty; whether Cavalry soldiers employed on escort duty should be mounted or dismounted; what order as to arms of escorts being loaded has been given; and, whether, if Corporal Wallace, of the Royal Dragoons, was married, any special allowance will be made to his widow or family; and, if so, whether such sum will be paid out of the Consolidated Fund or charged on the district in which the murder took place?

Mr. CHILDERS: Sir, it was no omission on the part of the authorities that the three men appointed to protect Mr. Bourke were unprovided with horses. Neither the Constabulary nor the soldiers employed on protection duty are mounted, as, in point of fact, they could not use their arms so well as when on foot or in cars. There is no intention whatever to make any change in this respect. Mr. Bourke's being escorted by only one man was a distinct violation of orders; and, although this appears to have been done at his own urgent request, it should not have been allowed by the officer in charge. Arrangements are being made by the Irish Government for the escorts being always on a separate vehicle from the person guarded. As to the arms being loaded, the instruction of the Commander of the Forces was that the rifles were not to be carried loaded except when immediate danger was apprehended. Sir Thomas Steele has now issued an order that the men's rifles are to be loaded. With reference to the last part of my hon. and gallant Friend's Question, I am sorry to say that I only this morning have heard that the widow of Corporal Wallace was not on the married establishment, he having married without leave. I will look further into the matter; but I fear that I cannot now say what ought to be done about her.

DIPLOMATIC SERVICE—FOREIGN LANGUAGES—THE EXAMINATION PAPERS.

Mr. JERNINGHAM asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to the unpractical, and even grotesque, nature of some of the Foreign papers set for translation to candidates for the Diplomatic Service; and, whether he sees his way to remedying the evil of the present system?

Sir CHARLES W. DILKE: Sir, no complaint has been made of the nature of the Papers set for translation in examination for the Diplomatic Service; but my hon. Friend, perhaps, alludes to those set in a recent examination of Foreign Office clerks for special acquirements in foreign languages, which appear not of a kind to test the practical knowledge required, and to which the attention of the Civil Service Commissioners has been called.

POST OFFICE—TELEPHONE LICENCES.

The O'DONOGHUE asked the Postmaster General, If, taking into account that nearly a month has elapsed since he informed the House that he was considering the application of the London and Globe Telephone and Maintenance Company, Limited, for a licence, he can now state the decision at which he has arrived; and, if not, within what period he expects to be able to announce his decision?

MR. FAWCETT: Sir, the question as to the granting of Telephone Exchange licences involves many important and difficult issues. The subject has been for some time engaging my careful attention; and, although I regret that I cannot fix the precise time when I shall be able to announce a decision, I can assure the hon. Member that there shall be no unnecessary delay. I could not, within the limits of an answer to a Question, state the points that have to be considered, nor do I think it expedient that they should now be stated.

EVICTIONS (IRELAND) — MR. JAMES SHERIDAN, DRUMHALRY, GRANARD, CO. LONGFORD.

MR. JUSTIN M'CARTHY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the case of Mr. James Sheridan, of Drumhalry, in the barony of Granard, county of Longford, who was, on the 8th May, evicted from his land by the sheriff with a force of Constabulary; whether it is the fact that Mr. Sheridan was served with a writ in August 1881 for four years' rent; whether he then produced a receipt for the greater portion of this rent at the trial, and the plaintiff, the owner of the land, obtained judgment in the Common Pleas Division for one half-year's rent, £12 5*s.*; whether the sheriff sent Mr. Sheridan a notice that he had an order against him for £12 5*s.* with 13*s.* costs; whether Mr. Sheridan paid the amount of rent and costs, and holds the sheriff's receipt for the same; and, whether he can say under what circumstances Mr. Sheridan was evicted from his land on the 8th May?

MR. TREVELYAN: Sir, Mr. Sheridan's landlady obtained a writ for a sum of £12 5*s.* The sheriff sold the interest in trust for the landlady. Sheridan did not attend the sale, but afterwards went to the sheriff and asked him to take the money from him and forego the sale. The sheriff consented, but informed Sheridan at the same time that there would be additional costs, which Sheridan agreed to pay, but afterwards refused, on being informed of their amount. Subsequently, the agent got the writ on the sheriff's assignment, the costs not being forthcoming.

PEACE PRESERVATION (IRELAND) ACT, 1881—PROCLAMATION OF THE CITY OF LIMERICK.

MR. O'SHAUGHNESSY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the magistrates of the borough of Limerick were given an opportunity of expressing their views to the Government on the state of that city before its late proclamation; whether they have, since the proclamation, addressed a protest to the Irish Government against that measure; whether the grounds of that protest have been considered, and, if not, whether they will be considered, by the Government; and, whether the proclamation was the result of private information in possession of the Government, or of the general condition of the city; and, if of the latter, whether he will state what circumstances of its condition have led to the step in question?

MR. TREVELYAN: Sir, a letter fully explaining all the facts of this case was addressed by the Lord Lieutenant to the Mayor of Limerick on the 10th instant. If the hon. and learned Member will communicate with the authorities of Limerick he will learn the nature of that letter, which, I think, answers the first three paragraphs of his Question. The city was proclaimed under the Act 6 *Will.* IV., c. 15, as in a state of disturbance, with a view of extra police being sent there on the recommendation of the County Inspector of Constabulary, after consulting and with the concurrence of the Resident Magistrate permanently stationed there, and the Special Resident Magistrate of the district.

MR. O'SHAUGHNESSY asked whether the proclamation was the result of private information in the possession of the Government or of the general condition of the city?

MR. HEALY: Before the right hon. Gentleman answers that Question, I should like to ask whether the Special Resident Magistrate is Mr. Clifford Lloyd?

MR. TREVELYAN: I have received no information relating to the general state of the city; but I hold in my hand a long list of riots and assaults on the police. This list occupies nearly four pages, and upon looking over it, I see that many of the cases are of a serious nature. As to the letter, I shall be very glad if the hon. and learned Member will communicate with the City authorities.

EMIGRATION ACTS—EMIGRANTS IN HULL.

Mr. MOORE asked the President of the Board of Trade, Whether his attention has been called to the large number of emigrants landed from time to time in Hull, and to the absence of any suitable lodging accommodation for them; whether his attention has been more particularly called to the case of a lodging-house keeper named Brodie, who was charged at the Hull Police Court on the 16th May with receiving lodgers into his house in excess of the certified number, and who frankly admitted that he offered to take in as many as 500 emigrants, whereas he was only licensed for 73, stating that there was no other course open to him, the evening being wet, and there being some 1,600 emigrants just landed in the town, unable to find accommodation elsewhere; and, whether the Board of Trade will inquire into the state of the lodging-houses in Hull in the interest of the large emigrant traffic passing through that town?

Mr. DODSON: Sir, I have been requested to answer this Question in consequence of a medical inspection having recently been made, by my direction, as to the sanitary state of Hull, in connection with which the condition of emigrants landing there was investigated. I understand from the Inspector that cases have occurred in which the provisions of the Public Health Act in regard to common lodging-houses have been violated in order to provide accommodation for excessive numbers of emigrants. This, however, appears to be altogether exceptional, and as only occurring when the lodging-houses provided for this class have been filled, which, however, is not often the case. The lodging-houses provided for the emigrants he found to be well kept.

CUSTOMS RE-ORGANIZATION—OUT-DOOR CLERKS.

Mr. ANDERSON asked the Financial Secretary to the Treasury, If he is aware that the dissatisfaction of the Custom House clerks with the position they are being placed in by the reorganization is increasing, and that the answers given have not reassured them; if he is aware that they look upon the new position as a direct violation of the conditions on which they entered the service of the Crown, though they are afraid to make individual complaints, believing that a black mark will be set against those who do so; and, what steps he proposes to take to assure the House and the Country that these men are being treated with justice?

Mr. COURTNEY: We know of no reason that would lead us to suppose that any dissatisfaction exists among the Custom House clerks who have been transferred to the out-door department with the position in which they have been placed by the recent re-organization, nor have they, in our opinion, any reasonable ground for being dissatisfied. There is no ground for saying that the new position of such clerks is in direct violation of the conditions on which they entered the Service of the Crown, inasmuch as there was nothing in those conditions to prevent their being transferred to any other branch of the Customs Department for the good of the Public Service if unwilling to accept pensions. No impediment has been placed in the way of clerks affected by the change making fair and reasonable representations respecting their cases, individually or collectively, either to the Treasury or to the Board of Customs.

POST OFFICE (TELEGRAPHIC DEPARTMENT)—A SIXPENNY RATE FOR TELEGRAMS.

Mr. E. STANHOPE asked the Postmaster General, Whether he will lay upon the Table the Correspondence which has passed between him and the Committee of Lloyd's with reference to a proposal to adopt a sixpenny rate for certain telegrams, and an undertaking on the part of the Committee to indemnify the Government against any loss that might accrue from the experiment?

Mr. FAWCETT: Sir, it is not usual to lay on the Table such Correspondence as that to which the hon. Member refers, and I regret, therefore, that I am not able to comply with his request. I may, perhaps, add that in declining the proposal to which reference is made I was mainly influenced by the opinion that whenever sixpenny telegrams are introduced, they should not be confined to any particular company or association, but that the public generally should participate in the change.

SOUTH AFRICA — ZULULAND — JOHN DUNN AND THE ZULU CHIEFS.

MR. RICHARD asked the Under Secretary of State for the Colonies, Whether he is aware that the large Zulu deputation which visited Natal in April last, to ask for the release of Cetewayo, included twenty Chiefs and Headmen from John Dunn's territory, and that while they were in Pietermaritzburg Dunn, who had followed them to that town, publicly threatened them with personal violence on their return to Zululand; and, whether Dunn's conduct has been brought under the notice of Sir Henry Bulwer?

MR. EVELYN ASHLEY, in reply, said, that Sir Henry Bulwer had sent a full Report with enclosures to the Colonial Office on that matter; but there was nothing either in the Report or in the enclosures which led them to credit the statement that John Dunn had publicly threatened those Chiefs with personal violence. The Papers would be laid on the Table, and the hon. Member would be able to judge of the matter for himself. It was true that the deputation to Natal included 20 Chiefs and Headmen from John Dunn's territory.

EGYPT—THE SOUDAN—CONSULATE AT KHARTOUM.

MR. CROPPER asked the Under Secretary of State for Foreign Affairs, Whether it is true that the appointment of Mr. Mieville to the Consulship of the Soudan has been cancelled on account of health; and, if so, whether any other appointment has yet been made?

SIR CHARLES W. DILKE: Sir, it has been decided on grounds of health to appoint Mr. Mieville to some other post, and to select another gentleman for the Consulate at Khartoum. No fresh appointment has, however, yet been made.

SUNDAY LABOUR—EMPLOYMENT OF WORKMEN ON SUNDAY.

MR. HICKS asked the Secretary of State for the Home Department, Whether his attention has been drawn to the fact that workmen were employed last Sunday upon the repairs now in progress at the Continental Hotel, Waterloo Place; and, whether he will take any steps in the matter?

SIR WILLIAM HARCOURT: I do not think this is a matter in which I am called upon to interfere.

MR. HICKS asked the right hon. and learned Gentleman whether it was not a fact that no steps could be taken in that matter under the 34 & 35 *Vict.* without the intervention of the police or the stipendiary magistrates of London?

SIR WILLIAM HARCOURT: That does not alter the answer I have given.

POOR LAW (IRELAND)—ELECTION OF GUARDIAN FOR THE KILLENKEY DIVISION, RATHDRUM UNION.

MR. W. J. CORBET asked the Chief Secretary to the Lord Lieutenant of Ireland, with reference to the election of Poor Law Guardian for the Killenkey Electoral Division of Rathdrum Union, and to the objection made to the return by Mr. John Gaskin, one of the candidates, on the ground that votes were improperly received by the clerk of the union in his capacity of returning officer, Whether it is true that the Local Government Board refused Mr. Gaskin a scrutiny of the voting papers, stating that they were quite satisfied with the explanation given by the returning officer; whether, on being furnished with specific objections by Mr. Gaskin, the Board, in a letter to him dated the 24th May 1882, made the following admission:—

> "In regard to Dr. Truell's own votes as landlord, the Board do not think the returning officer ought to have allowed more than six votes, and they are in communication with the returning officer on this subject; but the additional six votes did not affect the final result of the election;"

whether he will now, as President of the Local Government Board in Ireland, order an independent investigation to be held as to the validity and exact number of the votes taken at the election in question; and, whether he has any objection to lay the Correspondence on the subject upon the Table of the House?

MR. TREVELYAN: Sir, it is very important that the public should be satisfied that elections have been conducted according to law, and where there is reasonable uneasiness there is no objection to ordering an inquiry. I have communicated with the Local Government Board to this effect.

LOCAL BANKRUPTCY (IRELAND) ACT—CASE OF JOSEPH MAGILL, BELFAST.

Mr. EWART asked Mr. Attorney General for Ireland, Whether it is the case that the proceedings in the bankruptcy of Joseph Magill, late of Belfast, an extensive trader, have been in court since July 1875; that the printworks and property where his business was carried on were sold for £28,000, in June 1880, and possession taken by the purchasers in November 1880; that, during the last seven years, large sums have been paid into court, now amounting to £20,000, but nothing paid out, except costs to solicitors; whether it is the case that a local solicitor, instructed by creditors, cannot appear in the Bankruptcy Court, where Dublin solicitors have exclusive audience, with such results as stated above; and, whether the Government intend to proceed with a Local Bankruptcy Act this Session?

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): Sir, this is a most complicated case. The firm, consisting of three partners, petitioned for an arrangement as to the joint estate of the firm, and Mr. Magill, one of the partners, also petitioned for a like arrangement as to his separate estate, consisting principally of the Whitewell Print Works. Considerable litigation ensued as to the rights of the creditors of the joint and separate estates, and the trading was continued by a trustee under creditors' resolution until the sale of the Whitewell Works in 1880, which was, I understand, the earliest period at which, owing to the depression of trade, a sale could be advantageously had. The purchase money was £28,000, and of this £24,000 was covered by mortgages. Under the conditions of sale the purchasers were let into possession on part payment of the purchase money, and further sums on account have been since paid into Court. Some costs have been paid, but no dividend yet declared. If any creditor has been or is dissatisfied he can bring his complaint at any time before the Court for redress. It is not the case that a local solicitor cannot appear in the Bankruptcy Court in Ireland. Every solicitor in Ireland has equal right to appear and have audience there. Last Session I did my best to get on the Local Bankruptcy Bill; but this Session the House knows that the state of Business is such that I have little hope of doing anything effectually in this direction.

SEA AND COAST FISHERIES (IRELAND).

Mr. LEAMY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is one of the Trustees to aid the Sea and Coast Fisheries of Ireland; whether over thirty thousand pounds of charity money collected from the public is lying unproductive in the hands of the Trustees; if he is aware that some years ago the Trustees recommended that the fund should be transferred to the Inspectors of Fisheries, to be lent by them to the sea coast fishermen; and, if he will take steps to have that recommendation carried into effect?

Mr. TREVELYAN: Sir, as Chief Secretary for Ireland, I am an *ex-officio* trustee of the charity known as the Trustees to Aid the Sea and Coast Fisheries of Ireland. There is undoubtedly a considerable sum of money—falling much short of £30,000, however you regard it—which is lying unemployed as far as loans to fishermen are concerned. In 1879 the trustees proposed to transfer the trust fund to the Government; but it was found there were difficulties in the way. I hope to have an opportunity of going into this question in Ireland when the Session is over, and consulting with my brother trustees in Dublin as to the best means of making use of any of the trust money that may be available for loans to fishermen.

CRIME AND POLICE (IRELAND)—DETECTIVE POLICE FORCE—COLONEL BRACKENBURY.

Mr. O'DONNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, What are the special qualifications of Colonel Brackenbury for the organization or command of a detective police force in Ireland?

Mr. TREVELYAN: Sir, Colonel Brackenbury has been appointed an assistant Under Secretary to His Excellency the Lord Lieutenant, to relieve the Under Secretary of duties relating to police and crime. In this capacity he exercises a general administrative control over the whole of the police in Ireland; but does not supersede the heads of the police in their executive functions. The Government have satisfied themselves that Colonel Brackenbury is a man of exceptional ability and energy. If the hon. Member chooses, I will read the successive positions of trust and difficulty in which Colonel Brackenbury has almost continuously served. ["No, no!"]

INDIA (BENGAL)—THE DURBHUNGA RAJ.

MR. O'DONNELL asked the Secretary of State for India, If he will lay upon the Table of the House the letter in which Mr. M. Finucane, Bengal Civil Service, resigned the managership of the Durbhunga Raj at the end of 1880, on the ground that he could not conscientiously carry out large proposed enhancements of rent; whether the resignation of Mr. Finucane was accepted; and, whether a relative of the Lieutenant Governor, Sir Ashley Eden, was forthwith appointed in his place manager to the Maharajah of Durbhunga at an increased salary?

THE MARQUESS OF HARTINGTON: Sir, Mr. Finucane was never manager of the Durbhunga Estate. He was lent by Government to assist in completing the survey of the estate under the manager, Colonel Money. Colonel Money is a distant connection by marriage of Sir Ashley Eden; but was selected for the post of manager of the estate by Sir Richard Temple when Lieutenant Governor. Nothing is known of Mr. Finucane's letter of resignation. It is believed that he completed the survey on which he was employed.

INDIA—IMPORTATION OF PETROLEUM —RELAXATION OF PRECAUTIONARY LEGISLATION.

MR. O'DONNELL asked the Secretary of State for India, If it is true, as stated in the Calcutta correspondence of the "Times," that, immediately on the receipt of a communication from him, Lord Ripon caused a measure to be introduced into the Indian Legislative Council relaxing the precautions on the importation of petroleum into India; whether it is true that immediately on the receipt of another communication from him Lord Ripon suspended further progress with the measure in question; whether he will lay Copies of these communications upon the Table of the House; how many members of the Indian Legislative Council were present at the meeting of that body at which the measure relaxing the precautions on the importation of petroleum was introduced, and what were their names; and, whether Government will take steps to secure some representation of the interests of 200,000,000 subjects of the Crown?

THE MARQUESS OF HARTINGTON: Sir, as I have already stated, the measure was introduced in consequence of certain communications made to the Government of India. Its progress appears to have been suspended in consequence of representations which have been made in India, and not, so far as I am aware, in consequence of any communication from me. The correspondence which has passed with the Government of India is entirely telegraphic, and necessarily represents imperfectly the facts which were before me. As soon as it is sufficiently complete to give full information, there will probably be no objection to its production. The Secretary of State has frequently expressed a strong opinion as to the undesirability of carrying on important legislation at Simla in the absence of unofficial members of the Legislative Council; but it is evident that this matter was urgent, and, if dealt with at all, did not admit of delay.

MR. O'DONNELL: Can the noble Lord give the House any information respecting the number of Members of the Legislative Council, who took upon themselves to move in this matter?

THE MARQUESS OF HARTINGTON: No, Sir; all that we know has reached us by telegraph, and I have already communicated it to the House.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—RELEASE OF PERSONS DETAINED UNDER THE ACT.

SIR HERBERT MAXWELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any, and, if any, what security was taken from the following suspects on their release from imprisonment on reasonable suspicion of having committed crimes of violence; and, if no security was taken, whether the reasonable suspicion was proved to be unreasonable?—

Name of Prisoner.	Prison.	Ground stated for his Arrest in the Warrant. Reasonably suspected of
Thomas Winterscahill	Galway	Assaulting dwelling houses and assaulting and robbing persons therein by night.
Patrick Quinlan	Limerick	Assaulting and wounding a person by night.
William Quinlan	"	Ditto ditto.
Patrick Murphy	Naas	Arson.
John Ryan	Dundalk	Murder.
Michael Walsh	Galway	Shooting with intent to murder.
Martin Kearney	Monaghan	Maiming cattle.
Bernard Molloy	Armagh	Arson.
James Leavey	Enniskillen	Ditto.
Michael M'Queeny	Enniskillen	Murder.
Edmund Stewart	Clonmel	Shooting and wounding.
Patrick Gallogly	Monaghan	Breaking into houses by night and assaulting persons therein.
Patrick Beirne	"	Ditto ditto.
John Sheridan	"	Ditto ditto.
Rodger Brien	"	Assaulting a dwelling house by night.
Cornelius Kelleher	"	Attacking and injuring a dwelling house.

Mr. TREVELYAN: If the hon. Baronet will consult the Protection of Person and Property Act, he will find that it does not empower the Lord Lieutenant to require a prisoner on release to give any security for his future good behaviour. His Excellency, however, authorizes me to say that in each of the cases referred to in this Question he caused inquiry to be made whether the prisoners could be released without danger to the peace of the district, and based his decision in each case upon a consideration of the result of such inquiry and of all the other circumstances. The hon. Member must remember that these people were never tried, and that there is no public record of the extent to which they were suspected or had participated in the offences which are opposite their names; and it may be that in some instances there were no grounds for the suspicion.

Sir HERBERT MAXWELL asked whether an undertaking had not been given by the Chief Secretary for Ireland or his Predecessor that persons imprisoned on suspicion of crimes of violence would not be released without being brought to trial?

Mr. A. J. BALFOUR wished to know whether it was not a fact that a pledge was given by the Predecessor of the Chief Secretary for Ireland that no man should be imprisoned under the Protection of Person and Property Act except on such grounds as would, in the opinion of the Government, have secured a conviction before an impartial jury?

Mr. HEALY asked whether the Chief Secretary for Ireland would have any objection to put into the form of a Parliamentary Paper the grounds on which the suspicion of His Excellency was founded?

Mr. TREVELYAN: Sir, I can answer no Question as to the discretion of the Lord Lieutenant except in the most general terms. As to whether any pledge was given by my Predecessor, that is a serious question, and one which I cannot answer without Notice.

Mr. BRODRICK inquired whether the depositions made previous to the imprisonment of each "suspect" would be produced?

[No answer was given.]

EVICTIONS (IRELAND)—APPLICATIONS OF PERSONS EVICTED TO THE LAND COURTS.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, How many of the tenants evicted last month had made application to the Land Courts?

Mr. TREVELYAN: Sir, I have telegraphed to Dublin to ask to have this information made out. It will take several days to get it.

EGYPT (POLITICAL AFFAIRS)—ENGLISH POLICY.

Mr. ARTHUR ARNOLD asked the Under Secretary of State for Foreign Affairs, Whether in September last Mr. Cookson used the following language to Arabi Pasha:—

> "I told him that if they persisted in assuming the government of the country the army must be prepared to meet the united forces of the Sultan and of the European Powers, both of whom were too much interested in the welfare and tranquillity of Egypt to allow the country to descend, through a military government, to anarchy;"

and, whether that language was approved by Her Majesty's Government?

SIR CHARLES W. DILKE: Sir, my hon. Friend is justified in assuming that Her Majesty's Government approve it.

THE IRISH CHURCH FUND—AMOUNT OF THE SURPLUS.

MR. VILLIERS STUART asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it would be right to conclude, from the Irish Church Funds Return, that on and after 1932 the permanent income of the Commission will be £293,000 per annum; and, whether that income may be safely taken as representing, at the rate of three-and-a-half per cent. a capital of between £8,000,000 and £9,000,000 sterling; and that, therefore, after paying off the National School Teachers' Fund, the Intermediate Education Fund, and the Royal University Fund, in all about £2,900,000, between £5,000,000 and £6,000,000 will still remain available for the Arrears Bill and other purely Irish purposes?

MR. COURTNEY: Sir, the permanent income of the Church Fund, as given in the Returns recently presented, is taken from the last Report of the Church Commission, which shows the state of the Fund on the 31st of December, 1880. Its position in this respect had not appreciably altered at the date when the Return was prepared. But it does not follow that the relations between the permanent and terminable income of the Fund will always remain the same. Persons owing rent-charges, rent, or mortgages to the Church Fund, may redeem their liabilities. The terminable income would be thereby increased, and the permanent income diminished. The Government are not prepared to undertake responsibility for the calculation made by the hon. Member. But I must observe that the present value of a capital of £8,000,000 or £9,000,000, accruing 50 years hence, would be only £1,600,000 or £1,800,000.

ARMY—OFFICERS OF THE RESERVE.

SIR JOHN KENNAWAY asked the Secretary of State for War, Whether any order has been or is about to be issued, giving permission to Officers of the Reserve to wear the uniform of their late regiment at Court; or if he will state the decision of the authorities on the subject?

MR. CHILDERS: Sir, in reply to the hon. Baronet, I have to state that with respect to the uniform of some classes of Reserve officers orders have been already issued, but not as to all; but full Regulations will shortly be issued.

NAVY—DOCKYARDS—MEMORIAL OF ESTABLISHED SHIPWRIGHTS.

MR. PULESTON asked the Secretary to the Admiralty, Whether Memorials of the established shipwrights of Her Majesty's dockyards, sent in due form through the proper channels, have been received; and, if so, whether any consideration has been given to the subject?

MR. CAMPBELL-BANNERMAN: Sir, the Memorials referred to by the hon. Member have been received and carefully considered by the professional advisers of the Admiralty; but the increases of pay asked for by the shipwrights have not been recommended for adoption. A reply has not yet been sent, because it has been customary to defer the announcement of the Board's decision in such cases until after the Estimates have been voted.

SPIRITS ACT, 1880—EVASION OF THE PROVISIONS OF THE ACT AT PETERHEAD.

DR. CAMERON asked the Secretary to the Treasury, Whether, since by sections 146, 148, and 151 of "The Spirits Act, 1880," it is enacted that any person who, in Scotland, sells or exposes to sale spirits, otherwise than in premises for which he is licensed to sell spirits, shall incur a penalty of not less than £25, with forfeiture of the spirits in his possession; that any person who buys or procures spirits from such unlicensed person shall incur a fine of £100; and that any officer or person employed by the Commissioners of Inland Revenue who, by any wilful act, neglect, or default, does or permits, or agrees to do or permit, any thing in contravention or evasion of "The Spirits Act, 1880," shall incur a fine of £500, and be disqualified from serving Her Majesty in any office or employment; if he would state what officer or person in the employment of the Commissioners of Inland Revenue is responsible for permitting, and agreeing to permit, a contravention or evasion of this Act, in Peterhead, by three persons allowed by the Excise authorities, after attention had been called to the fact in this House, to sell liquor without confirmation of their certificates, and without licences, as if they were licensed grocers and publicans; and, whether the Commissioners of Inland Revenue intend taking any action in respect of their officer's deliberate breach of section 151 of the Spirits Act of 1880?

Mr. COURTNEY: Sir, the Board of Inland Revenue are alone responsible for the course which was advisedly pursued in the special circumstances of these cases; and, therefore, action will not be taken against any of their officers in the matter. The Board did not grant licences; they only abstained for a short period at their discretion from Excise interference with the sale of liquor, the Justices' clerk having had reason to believe that a further Court would be held about the middle of this month. Any other course of action would have been unjust towards the applicants, who, but for the accidental non-attendance of a quorum in the Confirmation Court, would doubtless have had their certificates fully confirmed past all dispute. If, notwithstanding this explanation, any person should consider himself aggrieved by the action of the magistrates and the Commissioners, it is open to him to contest the matter by proceeding before the magistrates for a penalty for the sale of intoxicating liquor without a magistrate's certificate.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—JAMES BANON.

Mr. MARUM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he will favourably consider the case of James Banon, a suspect in Kilmainham Gaol, with a view to his release, who has a large family dependent upon him, and 60 acres of land, without any person to attend to the same during his incarceration, now extending to nearly three months' duration?

Mr. TREVELYAN: Sir, James Banon was arrested on the 11th of April last, and has, therefore, been little more than two months in custody. His Excellency yesterday reconsidered his case, and decided that he cannot at present order his release.

STATE OF IRELAND—THE AFFRAY AT BALLINA.

Mr. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the manner in which the coroner's juries, in the case of the boy Melody at Ballina, were empannelled; if he can state what compensation the Government has given to the family of Melody, and the families of those who were wounded in the recent affray; and, whether he can now give the House an assurance that the services of Sub-Inspector Ball, under whose orders the occurrence took place, have been entirely dispensed with?

Mr. TREVELYAN: Sir, the Attorney General has not yet received the depositions in this case. He has telegraphed to the Sessional Crown Solicitor to know the cause of the delay.

Mr. O'CONNOR POWER: The right hon. Gentleman has not answered that portion of my Question which relates to compensation to the family of the boy Melody.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): Sir, I am advising the Government on this matter, and I have asked them not to come to a final decision until I have had an opportunity of looking into the matter. We had expected before this to have had intelligence on the subject.

Mr. O'CONNOR POWER: In that case I beg to give Notice that next week I shall repeat my Question.

POST OFFICE (IRELAND)—THE POSTMASTER AT MILFORD, CO. CORK—CASE OF MATTHEW MURPHY.

Mr. LEAMY asked the Postmaster General, Whether he has any objection to re-instate Mr. Mathew Murphy, of Milford, county Cork, in the office of postmaster of that town, he being now competent and willing to discharge the duties of the office?

MR. FAWCETT: Sir, in reply to the hon. Member, I have to state that certain inquiries are being made in reference to this case, and I am consequently unable at the present time to answer his Question.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. JOHN O'BRIEN.

MR. DILLON asked the Chief Secretary to the Lord Lieutenant of Ireland, Is it a fact that Mr. John O'Brien, who was arrested in November last, charged with inciting to Boycotting, whereas the real charge against him, by local authorities, and reported to the Castle, was

> "Being the ringleader of a riotous mob in the town of Roscrea, on the night of 26th August, 1881;"

if it is a fact that Mr. O'Brien was sent for trial, in company with two others, on said charge; if it is a fact that Judge Barry, at the Kilkenny Winter Assizes, on hearing the evidence of the police, ordered the prisoner's discharge, without going into the evidence for the defence; and whether Judge Barry said, "In this case the police were the real aggressors;" and, whether Mr. O'Brien will now be released?

MR. TREVELYAN: The charge upon which John O'Brien has been arrested is that stated in the Returns before Parliament—"Boycotting." It is quite true that this man was suspected of having formed one of a mob of persons who assaulted the police in the town of Roscrea on the 26th of August last. Several of the police were very badly injured on the occasion, and two persons were sent for trial at the Winter Assizes as having been engaged in the assault. O'Brien was in custody under the Protection Act at the time of the Assizes, and was not put on his trial. The Crown Solicitor informed me that it was distinctly proved that they were in the mob, but the Judge did not think there was sufficient evidence of participation in the riot, and stopped the case. but that he did not say the Constabulary were the aggressors, nor did he utter one word condemnatory of them. His Excellency has had O'Brien's case under consideration, but finds he cannot at present order his release.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MESSRS. JOHN AND CORNELIUS KELLEHER, WILLIAM WALSH, AND MAURICE GLEESON.

MR. DILLON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether John and Cornelius Kelleher, William Walsh, and Maurice Gleeson are still detained in Kilmainham Gaol, although three others, arrested on the same day, in the same district, and on the same charge, have been released; and, if so, why the above-named are not released?

MR TREVELYAN: Sir, His Excellency considers every case upon its own merits. He has had the case of the persons referred to in this Question of the hon. Member under consideration, but finds that he cannot at present order their release.

THE ROYAL IRISH CONSTABULARY—EXTRA PAY—EX-CONSTABLE WALSH.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the fact that the extra pay to be voted to the police will include allowances to men not paid off before the 24th April last; and, whether, in that case, there is any reason for refusing to allow the extra amount to Ex-Sub-Constable Walsh, who was not paid off until the 27th April?

MR. TREVELYAN: Sir, the Inspector General of Constabulary informs me that the words of the Order issued to the Constabulary in reference to the proposed grant are that members of the Force who were serving in the Force on the 24th of April, 1882, will be entitled to participate in the grant. Ex-Constable Walsh was discharged from the Constabulary on the 13th of February, and is not entitled to share in the extra pay.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—RELEASE OF PERSONS DETAINED UNDER THE ACT.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, How many persons are now in custody in Ireland under the Protection of Person and Property (Ireland) Act of last year; how many of these persons are classified by the Government as being under the suspicion of "personal association with crime;" what is the cause of the prolonged delay in setting at liberty the persons not so classified; and how soon their release may be expected; if he will state the number and names of the persons now imprisoned in Ireland under the statute of the 34th of Edward III.; and, whether the Government will undertake to release those persons, and to abandon the use of the statute?

Mr. TREVELYAN: Sir, the number in custody yesterday was 216. The number of such persons who are charged in the warrants as suspected of being implicated in crimes other than intimidation is 125. The cases are being considered and decided upon by the Lord Lieutenant day by day as rapidly as their due consideration will allow. His Excellency must be satisfied that the release can be made without danger to the peace of the district. I have called for the information asked for in the latter part of the Question, but have not yet received it.

EVICTIONS (IRELAND)—COUNTY WEXFORD.

Mr. REDMOND asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that, on June 13th, two tenants on the property of Mr. Bate, in the county of Wexford, were evicted, and, immediately after the eviction, their houses were burned down by the emergency men who took possession; and, whether, in view of the right of redemption possessed by these tenants, the Government will consent to include such conduct amongst offences as defined by the Prevention of Crime (Ireland) Bill?

Mr. TREVELYAN: Sir, these evictions were on title. The holdings became the absolute property of the landlord on his obtaining possession of them, and he had a legal right to destroy the buildings. The tenants did not possess in this case any right of redemption.

IRELAND—MR. O'SHEA'S VISIT TO KILMAINHAM GAOL.

Mr. G. W. ELLIOT asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is able to state if any person accompanied the honourable Member for Clare on the occasion of his visit to Kilmainham Prison, and what entry was made in connection with that visit in the prison books; whether he has any objection to lay upon the Table of the House a Return of the visits made to the political prisoners in Kilmainham Prison during their incarceration, with the names and dates; and, whether, in any instance, visitors have been admitted to see the prisoners without their names being recorded?

Mr. TREVELYAN: I know absolutely nothing about this matter; but I have asked the hon Member for Clare whether any gentleman went with him on that occasion, and he says that he was alone.

Mr. A. J. BALFOUR: This is not the first time that the Government has been asked about this matter, and I recollect that when I asked a somewhat similar Question about this matter some days ago—["Order!"]—the right hon. and learned Gentleman the Attorney General for Ireland said the Government were ignorant of everything connected with it. ["Order!"]

Mr. SPEAKER: The hon. Member is entitled to ask a Question arising out of the answer given by the right hon. Gentleman, but he is not entitled to enter upon other matters.

Mr. A. J. BALFOUR: Perhaps the right hon. Gentleman could inform us whether any gentleman was admitted to the prison on the same day as the hon. Member for Clare went, and, if so, whether he was obliged to enter his name in the Visitors' Book?

Mr. TREVELYAN: Yes, Sir, I will inquire.

Mr. O'SHEA: Perhaps I may be allowed to say that nobody went to Kilmainham with me, and that I have since asked my hon. Friend the Member for the City of Cork whether anybody else went to see him on that day, and he tells me that nobody went.

THE IRISH FISHERIES—THE REPORT, 1881.

Mr. BLAKE asked the Chief Secretary to the Lord Lieutenant of Ireland, Why the Report of the Inspectors of Irish Fisheries for 1881 has not been presented; and, if he will take measures to have it in the hands of Members before the Second Reading of the Sea

Fisheries (Ireland) Bill on the 28th instant?

Mr. TREVELYAN: Sir, the Inspectors of Fisheries inform me that the Report is all in type, and is now undergoing revision. They expect to have it ready for presentation in the course of a week.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MESSRS. T. & P. MORRISSY.

Mr. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the time has arrived for the release of Mr. Thomas Morrissy and his brother, whose parents have suffered great loss by their imprisonment, and who have been already confined for a period of seven months?

Mr. TREVELYAN: Sir, His Excellency the Lord Lieutenant has had the cases of Messrs. Thomas and Patrick Morrissy under his consideration, and has decided that he cannot at present order their release.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. JOHN DARCEY.

Mr. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, If the time has arrived for the release of John Darcey, who has now been incarcerated since June 17th 1881; and, if the Government be not willing to order Mr. Darcey's release, whether they will permit his transfer from Dundalk to Galway Gaol, so that he may be able to communicate with his wife and children, who have suffered severe loss from his imprisonment?

Mr. TREVELYAN: His Excellency has re-considered Mr. John Darcey's case, but finds that he cannot at present order his release. His application to be transferred to Galway Gaol had been considered last December, when it was decided that it could not be acceded to; but the reasons which then applied need not now apply, and the application shall be re-considered.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. WILLIAM KEOGH.

Mr. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the time has arrived for the release of Mr. William Keogh, who has been imprisoned since February 10th in Monaghan Gaol, on the comparatively slight offence of preventing the payment of rents; and, whether two suspects from the same district, arrested on a similar charge, were released after an imprisonment of three months?

Mr. TREVELYAN: Sir, His Excellency has ordered further inquiry to be made into Mr. William Keogh's case.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. ARTHUR MOLONEY.

Mr. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the time has arrived for the release of Mr. Arthur Moloney, who has been detained since January 3rd, and whose business has severely suffered from his incarceration?

Mr. TREVELYAN: Sir, His Excellency informs me that he has Mr. Arthur Moloney's case still under his consideration.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. THOMAS CUNNINGHAM.

Mr. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, If the time has come for the release of Mr. Thomas Cunningham, at present confined in Kilmainham Prison; whether he has been incarcerated since December 29th last; and, whether all the other suspects from the same district (Loughrea) have been already released?

Mr. TREVELYAN: Sir, Mr. Thomas Cunningham has been under detention since the 29th of December last. His Excellency has the case under consideration, and I will let the hon. Member know the result when I hear it.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. J. P. QUINN.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Lord Lieutenant considers that the peace of Dublin, where he resides, would be endangered by the release of Mr. J. P. Quinn from Enniskillen Gaol; if it is the fact that, although he has been arrested for incitement to non-payment of rent, the Government can show no speech containing such incitement; whether he is aware that Mr. Quinn simply acted under Mr. Brennan, who has since been released, in the Land League office; and, if he can assign any reason for Mr. Quinn's continued detention, now that men holding higher positions in the Land League organization have been released?

Mr. TREVELYAN: His Excellency had this case under consideration on the day before yesterday, and is unable at present to order Mr. Quinn's release. I must repeat to the hon. Gentleman—what I have said in answer to many questions asked from various points of view—that I can enter into no detail in matters referring to the discretion of the Lord Lieutenant.

EGYPT—THE POLITICAL CRISIS.

Mr. BOURKE asked the Under Secretary of State for Foreign Affairs, Has any reparation been demanded for the losses and injuries sustained by British subjects in the late disturbances in Egypt; and, if so, from whom; and, whether Papers cannot be now presented relating to the mission of Dervish Pacha, and the proceedings consequent thereupon?

Mr. SLAGG: Before the hon. Baronet answers that Question, I should like to ask another which relates to the same subject. It is, Whether he can give any information as to what steps, if any, have been taken by Her Majesty's Government in regard to the protection of the property of two citizens of Manchester—Mr. Dobson and Mr. Richardson—who lost their lives in the recent disturbances at Alexandria? I should like also to refer the hon. Baronet, if the House will permit me, to an important telegram sent to me this morning from Alexandria. I may say that I have been waited upon by an influential deputation of merchants largely interested in British commerce in Egypt. They have laid before me telegrams which really describe a dreadful state of things in Alexandria. The telegram is to this effect, and addressed to a friend of mine, who is possessed of ships in Alexandria—

> "The Consul asks urgently, and for reasons of humanity, can you obtain permission from buyers of steamships to allow more than two voyages to Cyprus with fugitives? Do your utmost to arrange this matter, and obtain leave for more voyages if possible."

It seems from the report my friend brings me that the people are leaving Alexandria in large numbers. Another friend has a telegram to the effect that European life and property are no longer safe.

Mr. O'DONNELL: Sir,——

Sir CHARLES W. DILKE: Sir, I do not think it is desirable to allow Questions to be interpolated with other Questions. It is not fair to other Members who are waiting to put their Questions. The Question on the Paper to which I will reply is that of my right hon. Friend Mr. Bourke. I may say that no claims have yet been presented. As soon as any such are received they will be referred in the usual manner to the Law Officers of the Crown. The Papers relating to the mission of Dervish Pasha cannot be detached from the rest of the Papers, which will be brought out as speedily as possible. With regard to the promise I made yesterday to the junior Member for Manchester (Mr. Jacob Bright), the Colleague of my hon. Friend (Mr. Slagg), I may say that we have received from the British Consul and Admiral at Alexandria a list of the British subjects reported killed. The list substantially agrees with that which has been published in the papers already, although there is one name published which does not appear in our list. With regard to the Question put by my hon. Friend (Mr. Slagg), I may say that a telegram has been received from Mr. Cookson, to the effect that steps have been taken to look after the private effects of Messrs. Dobson and Richardson. With regard to the other Question — although I must apologize for interpolating an answer—as it has been asked I will answer it. A vessel from Port Said has been ordered to Alexandria for the reception of fugitives, and two other private ships have also been made available for persons who wished to go on board—providing, of course, they are persons whose means are such that they cannot reasonably be expected to pay for their passages. The first vessel was taken up by the Admiral to convey persons to Malta. I have no knowledge with regard to the other two ships. There appear to be about 300 British subjects in Alexandria who desire to quit at the present time. The total European population of Egypt is, of course, very large indeed. There are about 30,000 Greeks, 15,000 French, 15,000 Italians, and 4,000 British (including Maltese), and 4,000 Austrian and German subjects.

SIR JOHN HAY: I wish to ask the hon. Baronet whether it is true that we have been afraid to bury persons who were Europeans in the cemetery at Alexandria, and that Her Majesty's Ship *Superb* has been used as a hearse to take the bodies to sea?

SIR CHARLES W. DILKE: Notice has been given that a Question like this will be put to-morrow, and I should prefer to answer then.

MR. BOURKE: Are we to understand that the Papers relating to Dervish Pasha will be among the second batch of Papers that are promised?

SIR CHARLES W. DILKE: The most important Papers are being hurried on, which relate to what has taken place up to the middle of May. The other Papers are being prepared as rapidly as possible, and it would be extremely inconvenient to lay a later Paper on the Table before an earlier one.

SIR STAFFORD NORTHCOTE: When are we likely to get any of these Papers?

SIR CHARLES W. DILKE: I cannot give any promise; but the further Papers are being got ready as rapidly as possible. They are not yet in the condition of the first revise, but the second batch will be ready next week. The right hon. Gentleman must know that there never has been a case in which important Papers were brought out with such rapidity as in this case. [“Oh, oh!”] This is so, and it will be impossible, if you search the whole records of the Foreign Office, to find out Papers that have been presented with such rapidity.

SIR H. DRUMMOND WOLFF: Will these Papers refer to matters up to the 17th of April?

SIR CHARLES W. DILKE: To the middle of May.

BARON HENRY DE WORMS: I should like to ask whether the rumour has reached the hon. Baronet that the Eastern Telegraph Company had been obliged to close its doors at Cairo?

MR. ONSLOW: May I also ask whether it is the intention of the Government, considering that these difficulties have arisen owing to the action of Her Majesty's Government, that those persons who can afford to pay for their passage are really to pay, or whether the Government do not intend to give a free passage to all, and also to victual them?

SIR CHARLES W. DILKE: Up to the present Sir Edward Malet has not called upon British subjects to leave the country, nor have any other foreign Consuls called upon their fellow-subjects to do so.

MR. O'KELLY: I should like to ask whether it is true that the Khedive has called on the Sultan for 18,000 or any other number of Turkish troops? [“Order!”]

SIR CHARLES W. DILKE: I think the opinion of the House is that that Question should not be answered without Notice.

MR. J. LOWTHER: Perhaps the hon. Baronet is now able to answer the Question of which I gave him Notice yesterday. It is, Whether Arabi Pasha was present at the conference which took place between Dervish Pasha and the Khedive; and, further, whether, in the Report which was made by the representatives of the Government in the first instance, it was not stated that Arabi was present?

MR. LABOUCHERE: On the same subject I would like to ask whether the hon. Gentleman would state whether the Vice Consul or any representative of Her Majesty's Government remains at Cairo —whether in that case Her Majesty's representative is in communication with Arabi, and whether he regards him as a traitor to his Sovereign, or a Minister of his Sovereign? [*Cries of* “Order!”]

MR. SPEAKER: I think it is right to point out that in Questions of a grave character such as these the hon. Baronet is entitled to ask that Notice should be given, and also, if he thinks proper, to decline to answer on public grounds. Having made this observation, I do not think it my duty to interpose as regards the Question which has just been put.

Sir CHARLES W. DILKE: Sir,——

Mr. HEALY: I rise to Order. I should like to observe that the hon. Baronet stated just before that he could not answer a Question which had been put from the Irish Benches because the feeling of the House seemed to be against an answer being given. As soon, however, as Questions were put from the Liberal and Conservative Benches, the hon. Baronet was ready enough to answer.

Sir CHARLES W. DILKE: It is impossible that the hon. Member should know what I am about to say. I rose for the purpose of answering the right hon. Gentleman opposite (Mr. J. Lowther), as his Question seemed to grow out of the the Question on the Paper. I was going to decline to reply to the hon. Member for Northampton (Mr. Labouchere), because his Question does not seem to grow out of the one on the Paper. As regards the right hon. Gentleman's Question, it would have been better if it had been on the Paper, so that an answer might have been given to it in the ordinary way. The meeting which took place between the European Consuls was a meeting between the Representatives of Germany, Austria, Italy, Russia, France, and England. There were present at that meeting the Khedive, Dervish Pasha, and the whole of his suite from Constantinople, and Arabi Pasha also. The object of that meeting was to receive an answer to a demand that had been made on Dervish Pasha by the Representatives of the Powers in regard to steps which should be satisfactory to the Great Powers to insure the safety of Europeans in Egypt. Dervish Pasha stated that Arabi had informed him that he would implicitly obey the orders given by the Khedive. The Khedive immediately issued orders for restoring the public tranquillity. These are the words to which I alluded yesterday—

> "Dervish Pasha said that under the urgent circumstances of the case he would assume joint responsibility with Arabi Pasha for the execution of the orders of the Khedive."

The European Consuls then said that the danger to the security of Europeans took precedence over all other questions for the moment, and that the political situation did not enter into the discussion. They also said to the Khedive and the Imperial Commissioners that they thought the discussion that had taken place with regard to the Europeans had nothing to do with the objects of Dervish Pasha's mission in Egypt. That meeting was on Monday.

Mr. ONSLOW: Then why has the Khedive gone to Alexandria?

Mr. J. LOWTHER: The hon. Baronet has not noticed my second Question —Whether in the Report made by the British representatives in Egypt to Her Majesty's Government, it was stated that Arabi Pasha was present at the meeting just described?

Sir CHARLES W. DILKE: Yes, Sir, it was so stated. It is a detailed Report, but I have just given the substance to the House.

Mr. O'DONNELL: With reference to the measures taken for the preservation of peace in Alexandria, I wish to ask if any steps have been taken towards bringing to justice the Europeans who are reported to have commenced the disturbances by stabbing Arabs?

Sir CHARLES W. DILKE: That Question does not seem to grow out of the one on the Paper, and I am unable to give the House any information on the subject, because I think any information I give should be of a well-founded character.

EDUCATION DEPARTMENT—THE HALL OF SCIENCE, OLD STREET.

Mr. ONSLOW asked the Vice President of the Council, in reference to his statement that the present teachers of the Science Classes at "Hall of Science" were recognized by the late Government, when Mrs. Besant, Miss Alice, and Hypatia Bradlaugh became qualified to earn grants from public monies for sciences classes taught by them; whether they were returned to the Education Department in 1879 as teachers in classes in the Hall of Science; and, who was the Member of the late Government by whom their application was approved?

Mr. MUNDELLA: Sir, when the application was made in 1879 for the recognition of the science classes at the Hall of Science, the teachers returned were Dr. Aveling, Doctor of Science, London, and B.A. of Cambridge, with Annie Besant and E. Richardson as assistants. When my attention was first called to this matter by the hon. Member for Harwich (Sir Henry Tyler), Mrs.

Besant and the Misses Bradlaugh were acting as assistants to Dr. Aveling. No change has taken place since that time except that the Misses Bradlaugh have passed the necessary examination for teachers, and have been recognized as such. In reply to the last Question of the hon. Member, my statement on Thursday last was that these classes "were admitted to grants by the late Government." What I wished to convey by that was that they were admitted to grants during the late Administration. I am quite prepared to assume the responsibility for the continuance of the grant, as well as for the recognition of the Misses Bradlaugh as qualified teachers. Under the conditions upon which grants are made, as laid down by the "Science Directory," no Administration would be justified in refusing to recognize these classes or their teachers.

LORD GEORGE HAMILTON: The right hon. Gentleman is, no doubt, correct in one sense in stating that the late Government recognized these classes. As I was at that time at the Education Office, perhaps the House will allow me to state what had occurred. Certain rules are laid down as to the recognition of science classes; and if these provisions are complied with, as a matter of course the application is sanctioned. Application, I believe, was made in regard to these classes in the latter months of the last Administration. It was made by a committee, at the head of which was a clergyman of the Church of England, and as it seemed, no doubt, to the officer of the Department that the conditions had been complied with, the application was passed; but neither the Lord President, nor myself, nor any senior permanent official, was aware that any classes had been recognized in connection with the Hall of Science. I do not wish to censure the decision arrived at by the present Government; but what I want to say is this, that that decision was adopted on a full and complete knowledge of all the facts, in the ignorance of which a mere formal sanction was given by the late Government.

MR. MUNDELLA: Sir, I have always understood that when anything is done in the Department under my control by my subordinate officers that I am responsible, and I wish distinctly to repeat that until 1881 I knew nothing about these grants until a Question was put to me by the hon. Member for Harwich. Those grants were made while the noble Lord the Member for Middlesex (Lord George Hamilton) was Vice President of the Council, occupying my position. They were continued for two years, and I find nothing to justify me in withdrawing those grants, and I take all responsibility for their continuance.

SCIENCE AND ART—THE NATIONAL GALLERY.

MR. COOPE asked the First Commissioner of Works, Whether the Government is now prepared to carry out the long needed extension of the buildings of the National Gallery, in order to give sufficient space, not only for the works of art already in the possession of the Nation, but also for those which may be presented or bequeathed by private individuals; and, whether greater facilities in future will be afforded to the public to visit the National Collection by lighting the Galleries by Electricity on certain evenings in the week?

MR. SHAW LEFEVRE: Sir, the Estimates for the current year contain no provision for making an addition to the buildings of the National Gallery. The very heavy expenditure for completing the Natural History Museum and the New Law Courts has prevented the Government from entertaining many other demands in respect of public buildings. With reference to the use of the electric light in the National Gallery, the responsibility rests wholly with the Trustees; but I think they would be wise in waiting the results of experiments in other public buildings, especially as regards their safety.

PRISONS (ENGLAND) ACT—PRISON DISCIPLINE.

MR. R. N. FOWLER asked the Secretary of State for the Home Department, Whether he will cause an independent, or effectually searching, inquiry to be made into the truth, or otherwise, of the numerous complaints against convict prison management which, for months past, have appeared in the "Civil Service Gazette" and other newspapers, and purporting to be written by the warders of those prisons; and, whether it is true, as recently stated in a letter in the "Times," signed "Assistant Warder," at Chatham, that assaults upon the warders "with the fist, stones, bricks, &c. are of almost daily occurrence?"

Sir WILLIAM HARCOURT: Sir, whenever any allegations are brought forward against the management of prisons I always take care that strict inquiry is made into them. For that purpose I have the valuable assistance of Visiting Committees and of the Visitors of the convict prisons, who are entirely independent of the Government. I am happy to say that the Prison Congress the other day gave an unanimous and favourable verdict in favour of the management of prisons. But the prison authorities have a responsible duty in maintaining discipline among the worst classes of society, and I cannot entertain or give credit to anonymous charges in newspapers made by convicts who do not give their names, or by warders who may or may not have been discharged, and who adduce no evidence of what they allege. In my opinion, if I did so I should seriously injure prison discipline, and give encouragement to insubordination.

THE PENAL SERVITUDE COMMISSION, 1879—SPIKE ISLAND.

Mr. MULHOLLAND asked the Secretary of State for the Home Department, What steps are being taken to carry out the recommendation of Lord Kimberley's Commission on Penal Servitude as regards the abolition of Spike Island Convict Prison, and what is the cause of the delay in presenting the Report by the Committee on Convict Labour, appointed some months ago; and, how many times the Committee had met up to the present time?

Sir WILLIAM HARCOURT: Sir, as to Spike Island, I have not yet received an answer. The Report of the Committee is in draft, and it will be adopted before the end of the present month.

LAND LAW (IRELAND) ACT, 1881—JUDICIAL RENTS.

Mr. TOTTENHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Sub-Commissioners under the Land Act, in making out their orders as to judicial rents, are in the habit of specifically defining the items in respect of which deductions for tenants' improvements are made from the rent, under Clause 8, sub-section 9, together with the amount so deducted; and, if he would have any objection to lay upon the Table of the House a specimen Copy of the order made out in such cases?

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): No, Sir; the Assistant Commissioners do not in their orders fixing fair rents specify the improvements in respect of which deductions from former rents are made, nor do they specify the amount deducted. Each order is accompanied by a Schedule of improvements, but the amount of money added to or deducted from the rent in respect of such improvements is not stated in the Schedule. There is no objection to laying a specimen copy of the order made in such cases on the Table; but it is already published in the Appendix to the Report of the Lords' Committee.

NAVY—LIABILITY OF OFFICERS—RETIRED PAY.

Mr. ST. AUBYN asked the Secretary to the Admiralty, Whether Naval and Marine officers placed upon half-pay since March 1870 are liable to be called upon to serve?

Mr. CAMPBELL-BANNERMAN: Sir, I presume that the Question of the hon. Member refers to officers on retired pay, as all naval officers on half-pay are, of course, liable to serve; and officers of the Royal Marines placed temporarily on half-pay from ill-health, or on reduction of establishment, may also, at any time, be recalled to full pay if fit. With regard to naval officers who have been placed on the Retired List since 1870, it is laid down in Article 254 of the Queen's Regulations that they may be called into active service in case of war or emergency. There is no such definite provision regarding retired Marine officers; but it has never been doubted that, in such circumstances, all who are capable of serving Her Majesty would be ready to do so.

ARREARS OF RENT (IRELAND) BILL—THE IRISH CHURCH FUND.

Mr. ANDERSON asked Mr. Chancellor of the Exchequer, Whether, under the scheme for creating a graduated surplus on the Irish Church Fund, showing

£85,597 in 1882, and £24,288 in 1918, he proposes to consider the first of the sums, or the last, or what intermediate sum, a safe basis for the further loan to pay land arrears; whether that new loan is to be a sum on which the surplus from the Church Fund is to pay both the interest and a sinking fund; or, if it is to pay only the interest, leaving the repayment to begin after 1918, when £6,674,000 of present liabilities will be extinguished; and, whether, considering that it is only by postponing liabilities, and spreading over thirty-five years annuities and debts to the National Debt Commissioners intended to be paid much sooner, that any surplus at all can be shown or created, he would endeavour, by some extension of the period, to make the surplus sufficient to pay the whole liability under the Arrears Bill, so as to avoid throwing any part of the burden on the British taxpayer?

Mr. W. H. SMITH asked Mr. Chancellor of the Exchequer, If he will state the financial arrangements he proposes to make in order to procure the sum of one million five hundred thousand pounds from the Irish Church Fund for the purposes of the Arrears of Rent (Ireland) Bill, seeing that the charges on the Church Fund under existing arrangements (including the repayment of debt) are in excess of the gross yearly income of the fund for many years to come, and that income is liable to serious reduction from the heavy arrears which are accumulating?

The CHANCELLOR of the EXCHEQUER (Mr. Gladstone): Sir, I suppose the first of these Questions is suggested by the Return lately laid on the Table, moved for by the junior Member for the University of Dublin (Mr. Gibson). It has naturally been supposed that the Return gave information that I intended to lay before the House as the basis of the Arrears Bill, so far as the Church Surplus Fund is concerned; but that is not the case. The Return was moved for without the smallest reference to the Arrears Bill. We are preparing information that will be more relevant to the case; and I suggest that it would be more convenient, especially considering the difficulty of giving a clear answer on a subject of this kind, that we should wait for the further Return, which I hope will be in the hands of Members on Monday next.

LAND LAW (IRELAND) ACT, 1881—LOANS TO OCCUPIERS.

Colonel COLTHURST asked the First Lord of the Treasury, Whether, in view of the practical impossibility of obtaining an opportunity for discussing the restrictions imposed by Treasury Minute of the 21st December, 1881, upon Loans to Occupiers, under sec. 31, Land Act, 1881, he will consent to relax the most onerous of all, namely, that fixing £100 as the minimum sum to be lent?

Mr. GLADSTONE: Sir, I can only say at present that it is a very large and important matter that is involved in this Question; it is no less than this, whether the advances to be made by the Treasury in the cases of particular holdings shall assume the character partially of loans and partially of gifts. I do not wish now to express an opinion whether it ought or ought not to be done. In my opinion, it is much too important a subject to be treated as a mere matter of Executive detail. The question was carefully considered some months ago, when my noble Friend Lord Frederick Cavendish—now lost to the country—was Secretary to the Treasury, and the course that has been adopted is the only course we felt authorized to adopt. The subject is one which will be adverted to at a time when a statement is made to the House as to the course the Government advises on this and other points of importance.

EVICTIONS (IRELAND).

Mr. HEALY asked the First Lord of the Treasury, If it is the fact, as stated in the press, that the late Mr. Walter Bourke had issued ejectments against such of his tenants (amongst others) as sought to get a fair rent fixed under the Land Act, and that he was about to evict them while their applications were pending; whether the Government have had brought to their knowledge the fact that many tenants who have applied to the Land Courts are meantime threatened with eviction, which must ensue before their cases are decided; and, if he intends to take any steps to protect the interests of such tenants until the Courts have decided upon their applications?

Mr. GLADSTONE: Sir, I need not say it was my duty to obtain information on these points from the Irish Government. I understand that the facts are that the agent of the gentleman unfortunately murdered last week, Mr. Bourke, evicted nine families, consisting of 68 persons, for non-payment of rent. All these tenants owed more than two years' rent, one of them nearly seven years' rent, and they refused altogether to pay. It is also stated that they were led to believe that the Land League would see after their rents, and provide them with huts. It is likewise stated that there were no special hardships in these cases. In Galway, Mr. Bourke issued ejectments against five tenants, of whom two subsequently appealed to the Land Court. It was on his return from attending the place where the tenants who appealed did not appear that he was shot. In Mayo ejectment decrees are pending against several tenants; but we have not sufficient information in respect to those decrees, nor have we, nor can we have, general information of the number of tenants who, having applied to the Land Courts, are threatened with eviction. Tenants so threatened can apply to the County Court of the district in which the execution is issued, for the purpose of having the execution stayed. I believe the provision of the law in that respect ought to be sufficient. With regard to the general question as to the stoppage of evictions, I have to repeat to the House that the only mode in which we can shorten the painful proceedings going on, and to some extent, of necessity, going on in Ireland, is by earnestly recommending and entreating the House to make progress and dispatch with the Bills we have now in hand. Every day adds, on the average, 20 to the number of evicted families, or 120 a-week, subject to deductions which I cannot exactly state, on account of those who may be replaced as caretakers. That is going on, and must go on, and we have not the power to check it, even if it were right we should, on which I do not give an opinion at present. I do think the House will feel, without distinction of sections or Parties, that this is a most powerful reason for our endeavouring to get forward with the legislation in hand, in order that the numerous persons who are in arrear and who are unable to pay their rents may have the opportunity of reaching a better and more secure position.

Mr. PARNELL: I wish to ask, Sir, whether the Irish Government can give any information as to the number of tenants whom Mr. Walter Bourke sold out in the county of Mayo before the passing of the Land Act, and so deprived of the legal value of their holdings or title to the protection of the Court. With reference to the appeal of the Prime Minister to expedite the passing of the—[*Cries of* "Order!"]

Mr. GLADSTONE: I have no information from the Irish Government on the subject of Mr. Bourke and his property, except that which I have given; but if the hon. Member will put down the particulars, or let me have them, I will take care to cause inquiry to be made.

Mr. HEALY: The facts which have been stated as to the evictions going on and the manner of carrying them out, suggests a Question which I desire to address to the right hon. Gentleman—namely, Whether, as a number of new crimes are being invented by the Prevention of Crimes Bill, he could not include a clause making harsh and cruel evictions of the character which the Chief Secretary for Ireland described yesterday a crime punishable in the same way as "Boycotting?"

Mr. GLADSTONE: The hon. Member does not require to be told that the proper time for proposing a new clause is when the Bill is in Committee.

EGYPT AND ITALY—CESSION OF ASSAB BAY.

Baron HENRY DE WORMS asked the First Lord of the Treasury, Whether, with regard to his statement relating to Assab Bay, Her Majesty's Government have recommended the Government of Egypt to agree to the demand of Italy with regard to that harbour; and, what is the exact position of the negotiations on the subject of the Italian establishment at Assab, and of the projected Convention between the Italian and Egyptian Governments? The hon. Member further asked if the right hon. Gentleman was aware that a Bill was presented in the Roman Chamber by Signor Mancini, on the 12th of June, with reference to the Italian establishment in Assab Bay, which declared it to be an Italian colony, made it a free port, exempted the natives from taxation for 30 years, declared that their religion would be respected, and gave the Italian Government the right of making concessions of land and concluding treaties with neighbouring rulers; and, whether, under the circumstances, the right hon. Gentleman still adheres to his previous answer that there has been no recent cession of Assab Bay to the Italians?

SIR CHARLES W. DILKE: Sir, the hon. Member has taken a most extraordinary course. He has asked the Prime Minister a long Question on foreign policy without giving any Notice of it. I must say that anything more remarkable I have never seen in all my experience.

BARON HENRY DE WORMS: The statement to which I referred has only just appeared; but as it was antecedent to the answer of the Prime Minister that no cession had been made of Assab Bay, or that, at all events, the Government were not cognizant of any cession, I thought I was in Order in pointing out a want of knowledge on the part of Her Majesty's Government.

SIR CHARLES W. DILKE: The hon. Gentleman has given no reason whatever for not putting the Question on the Notice Paper. ["Order!"] He has not given any shadow of a reason. [*Renewed cries of* "Order!"]. More extraordinary conduct——

BARON HENRY DE WORMS: I must appeal to you, Sir, whether the hon. Baronet is in Order in using such language?

MR. SPEAKER: If I understand the hon. Baronet correctly, he desires that the Question should be put on the Paper. If so, he is within his right.

BARON HENRY DE WORMS: I was alluding, not to the Question being put on the Paper, but to the censure which the hon. Baronet made.

SIR CHARLES W. DILKE: I not only must maintain that censure, but I must increase it.

BARON HENRY DE WORMS: I must appeal to you, Sir.

MR. SPEAKER: I did not interfere with regard to the Question of the hon. Member for Greenwich, as I did not think it was out of Order; but in so far as he puts a Question which is not on the Paper, the hon. Baronet has a perfect right to complain of that part of the Question which was put without Notice.

LORD JOHN MANNERS: My hon. Friend called your attention, Sir, not to the hon. Baronet declining to answer the Question, but to the terms of censure which he used.

SIR CHARLES W. DILKE: I have said, Sir, that I have never known anything more extraordinary than the course taken by the hon. Member with regard to this Question; and I was going on to say, when I was interrupted, that I not only maintain the censure which I gave at first — [*Loud cries of* "Order!" *and* "Withdraw!"]

MR. SPEAKER: I am bound to say that if any hon. Member, in putting a Question, which he does entirely within his own right, is subject to censure, that censure should come from the Chair.

SIR CHARLES W. DILKE: The censure, Sir — [*Loud cries of* "Withdraw!"] In consequence of repeated interruptions, I have never been allowed to finish my sentence. The course adopted by the hon. Member, to which I wish to call attention, began with the Question of which he gave public Notice to the Prime Minister about 10 days ago. The hon. Member wished to ask whether the Prime Minister was aware of the fact that Her Majesty's Government had recently ceded Assab Bay to Italy? These words were struck out at the Table, after public Notice was given; and I am very sorry the Question was so altered, because the Prime Minister would have been able to have made a most indignant reply to the Question in the form in which public Notice was given.

BARON HENRY DE WORMS: I rise to Order. I never stated anything of the sort.

SIR CHARLES W. DILKE: I am not speaking of the Question which appeared on the Paper, but of the previous Question.

BARON HENRY DE WORMS: I have a copy of it here. I was perfectly cognizant of the fact that the British Government could not cede Assab Bay to Italy, as it did not belong to the British Government. The words of my Question were these—"And also in view of the recent cession of Assab Bay to Italy;" but not by Her Majesty's Government.

SIR CHARLES W. DILKE: I was speaking, not of the terms of the Question as it was put on the Paper, but of the terms of the Question as it was originally given by the hon. Member, and as it was first printed.

Baron HENRY DE WORMS: I beg to repeat, Sir, that I never said anything of the sort.

Sir CHARLES W. DILKE: I will place the Question as originally printed before the hon. Member. With regard to the Question on the Paper, I must ask the hon. Member to reserve his desire for further knowledge of the details until the Papers, which we are now bringing out rapidly, are laid upon the Table. I would remind the hon. Member that three weeks ago I answered the Question as it now stands on the Paper.

Baron HENRY DE WORMS: I beg to give Notice, Sir, that in consequence of the answer of the Under Secretary of State for Foreign Affairs, I shall, on the earliest opportunity, draw the attention of the House to this subject, and move a Resolution. As I cannot allow these words to go uncontroverted, I may state that the Question which I put today is not in the least degree similar to the one which the hon. Baronet answered last week.

Sir CHARLES W. DILKE: The Question to which I referred was asked by the hon. Member several weeks ago, and led to a discussion across the Table between my right hon. Friend on the Front Bench opposite (Mr. Bourke) and myself. My right hon. Friend said that the Italian flag was not flying at Assab Bay when the late Government left Office. I said it was flying there when the late Government left Office, and that was the case.

Baron HENRY DE WORMS: I will repeat my Question on Monday.

Mr. BOURKE: I never suggested that the late Government gave their sanction to the cession of Assab Bay—quite the reverse.

Sir CHARLES W. DILKE: The present Government also have done nothing with regard to the cession of Assab Bay. They proposed an agreement between Turkey, Italy, and Egypt on the subject. That was declined. It fell to the ground, and nothing whatever was done.

Mr. BOURKE: Did not you recommend the Khedive to cede Assab Bay?

Sir CHARLES W. DILKE: The Italians were already at Assab Bay at the time when the late Government went out of Office. We recommended that the position should be "regularized," and that there should be an agreement between the Porte, the Khedive, and the Italian Government on the subject. That agreement was declined. It never came to anything, and nothing whatever was done.

Mr. BOURKE rose, amid *cries of* "Chair!" *and* "Order!" to make some further remarks, when—

Mr. SPEAKER: The House will, perhaps, allow me to say that in Questions of this character Notice should be given.

PARLIAMENT—SCOTCH BUSINESS.

Sir JOHN HAY asked the First Lord of the Treasury, If he will consider the expediency of suspending the Half-past Twelve Standing Order for the remainder of the Session, and thus give the Scotch Members an opportunity of forwarding measures interesting to that part of the United Kingdom, and not affecting England and Ireland, in those sixteen hours formerly appropriated to the business of the House, but of which it is deprived by the Standing Order in question?

Sir GEORGE CAMPBELL said, he would like to ask, also, Whether there was any truth in the statement that it was proposed to send Scotch Business to a Committee of Scotch Members, so as to enable those Gentlemen to deal with it in the day-time instead of the dead of night, before the breakfast hour?

Mr. GLADSTONE: Sir, in answer to the Question of the right hon. Gentleman opposite, I am very sensible of the importance of the subject, and I do not wonder that he should put the Question just as if he were in despair; but I must own that to ask the Government to abolish the Half-past Twelve Rule at the present moment is only asking them to add another subject of discussion to the subjects we have already in hand—when the time at their disposal, and at the disposal of the House, is unfortunately very inadequate for its immediate purposes. With respect to the rumour inquired about by the hon. Member for Kirkcaldy (Sir George Campbell), I should have thought, Sir, if there were any truth in its being intended to make a proposal of this kind, the proposal would have appeared in due course upon the Notice Paper of the House. All I have to say upon this subject at present is that the Government are very ready indeed to receive any suggestion that can be made of a practical character upon this Question, and that it is one to which, undoubtedly, they will give their own serious attention at the earliest moment when they can bring any results of their consideration into a practical form.

Mr. O'DONNELL asked the Prime Minister whether he would consider the desirability of committing the Irish Coercion Bill to a general Committee of Irish Members?

Mr. GLADSTONE: No, Sir, I have no intention of doing that, and I think it would be irregular, under the circumstances; but I may observe, that if I did, the fact would appear that it is only a small minority of Irish Members who oppose the Bill.

WAYS AND MEANS—INLAND REVENUE —DUTIES ON GOLD AND SILVER PLATE.

Mr. R. N. FOWLER asked Mr. Chancellor of the Exchequer, Whether, in view of the serious depression of the silver trade, owing to the uncertainty prevailing in the minds of manufacturers and dealers respecting the duties upon gold and silver plate, and, seeing the varions objections to the grant of a drawback upon existing stocks, and, seeing that no drawback has been allowed in the case of holders of duty-paid stocks of cotton and other European goods in India, who have had to sacrifice very largely under the recent Budget, Her Majesty's Government are prepared to adhere to their determination not to abolish the duties in the present Session of Parliament?

The CHANCELLOR of the EXCHEQUER (Mr. Gladstone): Sir, there is a good deal in the suggestion evidently meant to be conveyed by this Question; but I believe, as far as my knowledge and means of forming a judgment goes, that the mode indicated by the hon. Gentleman is the only mode out of the embarrassment attending this subject. But, considering the time of the year, and that nearly two months have elapsed since the financial plans of the Government were announced, I do not think anything but the prevalence of a general wish will justify Her Majesty's Government in making a proposal on the subject at the present time.

SCIENCE AND ART—THE NATIONAL GALLERY—THE HAMILTON PALACE COLLECTION.

Mr. COOPE asked the First Lord of the Treasury, Whether he is prepared to avail himself of the opportunity afforded by the sale of the Hamilton Palace Collection, to secure to the Nation some of the unrivalled works of art contained in it?

Mr. GLADSTONE: Sir, the subject is one to which the attention of the Trustees of the National Gallery has been carefully directed, as is known to me by their Correspondence with the Treasury, which will, I think, shortly reach its conclusion.

PARLIAMENT—PUBLIC BUSINESS.

Mr. STOREY asked the First Lord of the Treasury, Whether, in view of the large increase in the number of evictions in Ireland, he will take immediate steps to introduce a Bill temporarily to stop evictions, or will give special facilities for the discussion of the Bill of the honourable and gallant Member for Galway?

Mr. GLADSTONE: Sir, I may, perhaps, remind the hon. Member that to expedite our proceedings is the only manner in which we can possibly act in a beneficial way in this question. With that view, it is the intention of the Government, in consequence of the experience we have had, to ask the House to hold a Morning Sitting to-morrow, and on Fridays, during the present pressure of Business. When that is over we shall see how we stand. Moreover, it is my intention to move to-morrow—which I may as well mention publicly now—that the Arrears (Ireland) Bill do take precedence on all days when it is set down for discussion of all other Orders of the Day and Notices of Motion except the Prevention of Crime (Ireland) Bill.

Sir STAFFORD NORTHCOTE: When that Motion is made, I shall ask the Government for some general account of what Business they intend to take besides that.

Mr. CHAPLIN: I beg to give Notice that, when the right hon. Gentleman makes that Motion, I shall ask the Government to give facilities for the discussion of the Agricultural Tenants' Compensation Bill this Session, as that measure is awaited with so much anxiety by great numbers of farmers.

ADULTERATION ACTS—LARD CHEESE.

Mr. WILBRAHAM EGERTON asked the President of the Board of Trade a Question of which he had given him private Notice—namely, Whether, in an answer given on Monday last, he had not attributed to Lord Vernon language which had really been used by the President of the Royal Agricultural Society?

Mr. CHAMBERLAIN: Sir, I have had the advantage of a conversation with Lord Vernon, and I am glad of an opportunity of correcting a mistake which seems to have caused Lord Vernon some little annoyance. It appears that the words which I quoted as having been spoken by Lord Vernon at a meeting of the Royal Agricultural Society were really spoken by the President, Mr. Dent. The mistake arose in this way. The Report from which I derived my information put these remarks down to the President, having previously spoken of Lord Vernon as Chairman, and hence my mistake. These remarks were to the effect that the introduction of lard or oleomargarine would enable dairy companies to work up their skim milk into a wholesome article of food; that the Council should be careful before writing to request the interference of the Board of Trade, as it was a question whether the public were not benefited by such forms of cheap and wholesome food. I am very glad to have the opinion of so eminent an authority as the President of the Royal Agricultural Society on this subject; and I may say that, from all the information I have been able to get, I am inclined to agree entirely with his view. These remarks were made by the President before Dr. Voelcker's Report, but after a statement by Dr. Voelcker, which his subsequent Report confirmed, that these cheeses were perfectly wholesome food. The letter from the Royal Agricultural Society was received on the 9th of June.

EGYPT (POLITICAL AFFAIRS)—THE ITALIAN GOVERNMENT.

Mr. G. W. ELLIOT gave Notice that, on Monday next, he would ask the Under Secretary of State for Foreign Affairs, Whether, as he had stated that anarchy would not be allowed to continue in Egypt, he had seen the report of a speech made by the Italian Foreign Minister, to the effect that Italy would not consent to the armed intervention of certain Powers, and whether that referred to England and France?

Sir CHARLES W. DILKE: Sir, I shall not be able to answer the Question more fully on Monday than I can answer it now. I can assure the hon. Member that the Italian Government is acting completely in concert with Her Majesty's Government in the steps that are being taken at Constantinople. I think it only courteous to add that the Government always declines to discuss what is said by foreign Ministers in foreign Assemblies.

Sir WALTER B. BARTTELOT: I should like to ask the hon. Baronet a Question already put to him by the hon. Member for Roscommon (Mr. O'Kelly), but which he did not answer—namely, Whether a requisition has been made by the Khedive or Dervish Pasha that 18,000 Turkish troops should at once be sent to Alexandria from Constantinople? If that is the case, it would take some days before those troops could arrive; and I should like to know, in the present position of affairs, whether, supposing an outbreak, which is said to be imminent at any moment, should occur, and supposing the Egyptian troops should also rise against the European inhabitants, what steps Her Majesty's Government have ordered to be taken in that event?

Sir CHARLES W. DILKE: The reason I did not answer the hon. Member for Roscommon was that I did not hear his Question.

Mr. HEALY: The hon. Member asked it twice.

Sir CHARLES W. DILKE: I assure the hon. Member I did not hear the terms of it. With regard to the Question just put, a portion of it I am unable to answer. I believe Dervish has on several occasions asked for troops, but I cannot state precisely the number of Turkish troops that have been applied for. It is not in my power to answer the other portion of the Question.

Sir GEORGE CAMPBELL: Are we to understand that Dervish Pasha has asked for Turkish troops, and the European Powers have concurred?

Sir CHARLES W. DILKE: I really cannot give any answer. There are still measures being taken by the European Powers at Constantinople in reference to the steps to be taken in Egypt. I cannot answer further.

SIR WALTER B. BARTTELOT: May we not get some assurance from the Government that some steps will, at any rate, be taken to protect the European population in Alexandria?

SIR CHARLES W. DILKE: I have already stated that there is a large force of men-of-war at Alexandria, and that Sir Beauchamp Seymour has a large force, which he is empowered to land. No doubt, instructions have been given to some of the foreign admirals to a like effect. It is also probable that seamen and marines will also be landed. Besides the Squadron at Alexandria, five ships, the *Minotaur*, the *Achilles*, the *Agincourt*, the *Northumberland*, and the *Sultan*, left Gibraltar for Malta at 7 o'clock this morning under Sir Beauchamp Seymour's orders.

MR. CHAPLIN: Are we to understand distinctly from the Government that in the event of there being any fear of further massacres at Alexandria sailors and marines will be landed?

SIR CHARLES W. DILKE: The measures upon which Sir Beauchamp Seymour and Sir Edward Malet may agree will be carried into effect; but I cannot anticipate them. Those on the spot are far better able to judge of the steps to be taken than we can be.

SIR JOHN HAY: Is it not the fact that even the five ships to be added to the Fleet at Alexandria will not make them capable of landing 1,000 men? Is it not the case, also, that those ships are of too great draught to enter the harbour at Alexandria?

SIR CHARLES W. DILKE: We have already refused to go into detail on those matters; but I believe it is the fact that considerably more than 1,000 men might be landed.

PARLIAMENT—PRIVILEGE—UN-PARLIAMENTARY LANGUAGE.

MR. MACARTNEY: I regret to have to rise, Sir, to bring a matter of Privilege before the House. After the Vice President of the Council had answered a Question asked by the hon. Member for Guildford (Mr. Onslow), the hon. Member for Queen's County (Mr. Arthur O'Connor), sitting below me, said aloud, "What a miserable hound that Lord George Hamilton is!" I instantly said, "That is very improper language to use, and especially in the hearing of other Members." Upon this the hon. Member for Roscommon (Mr. O'Kelly) said, "He is an eavesdropper." The remark was made in so loud a tone, that I think it must have been heard by Members sitting behind and around. I said, "That remark is equally improper"——

MR. CALLAN: I rise to Order. I wish to ask you, Mr. Speaker, whether this is really a question of Privilege.

MR. SPEAKER: I understand that the hon. Member was pointing out the state of disorder which lately arose in the House.

MR. MACARTNEY: No, Sir; I was calling attention to the remarks I heard.

MR. SPEAKER: The hon. Member, no doubt, should properly have taken notice of those remarks at the time. I believe the hon. Gentleman did rise, but I did not call upon him. If that is so, I think he is quite entitled to call the attention of the House to the matter.

LORD GEORGE HAMILTON: I rise simply to make an appeal to my hon. Friend the Member for Tyrone (Mr. Macartney), and to ask him whether it is conducive to the dignity of the House that such a matter as this should be discussed? If one hon. Member in conversation chooses to apply opprobrious language to another, so much the worse for him.

MR. MACARTNEY: I regret that I should have annoyed my noble Friend the Member for Middlesex, but I thought the language was so unjustifiable that it ought to be taken notice of. Not only was that language used, but when I complained the hon. Member for Roscommon told me that I was an eavesdropper. I wish to ask you, Sir, whether we who sit here in a mixed Party—[*A laugh*]—very much mixed, I think—should be subjected to have these kind of remarks made out aloud in our hearing?

MR. SPEAKER: I think the House may desire to know from the hon. Members, whose language has been called in question, whether that language has been properly attributed to them.

MR. ARTHUR O'CONNOR: In a private conversation addressed to an hon. Friend sitting two places from me, I made use of certain observations.

These were not addressed to the hon. Member for Tyrone (Mr. Macartney), and when he wished to discuss with me those observations I declined; and then he, apparently much irritated, threatened to appeal to you, Sir. I told him he was at liberty to do so.

Mr. O'KELLY: When the hon. Member for Tyrone interfered in a conversation which was not directed to him, and with which he had practically nothing at all to do, threatening to call the attention of the House to the matter, I did say to him that he was acting the part of an eavesdropper, because I considered that the conversation, not being addressed to him, he had no reason to intervene.

Mr. SPEAKER: I think the House will expect the hon. Members to express regret, because, although these observations were not made openly, still they were made in this House, where hon. Members are accustomed to speak of one another with respect. I am persuaded that the hon. Members, when they come to reflect upon the matter, will think it right to withdraw their observations.

Mr. O'KELLY: So far as I am concerned, I will express my regret to the House for having made use of the observations.

Mr. ARTHUR O'CONNOR: I shall not have the least hesitation in withdrawing any expression I have made use of, and which may be considered to be improper. But I may be allowed to say that the account given of the observations by the hon. Member was not altogether correct. However, whatever the expressions were which hon. Members sitting around me reasonably think they have a right to complain of, I willingly withdraw them.

ORDERS OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[Bill 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress* 14*th June.*]

[TWELFTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART II.

Offences against this Act.

Clause 7 (Illegal meetings).

Amendment again proposed,

In page 4, line 15, to leave out from the word "which," to the word "safety," in line 16, both inclusive, in order to insert the words "convened for an unlawful purpose, or with an intent to carry out a lawful object riotously and tumultuously."—(*Mr. Labouchere.*)

Question proposed, "That the words 'which he has reason to believe' stand part of the Clause."

Mr. LABOUCHERE said, he entertained a hope that the Government would accept this reasonable Amendment. Should they not do so, he did not think it was necessary to expend a very long time in discussing the matter. The Prime Minister had said that if there were Members in that House who considered that evictions were crimes—and there certainly were persons in that House who considered evictions to be crimes—the proper time for bringing forward a provision for putting a stop to such evictions would be during the Committee on this Bill. He confessed that he entertained a hope that before long they would come to some clause which would, at any rate, justify some action in that direction on the part of the Committee. In regard to this clause, the Chief Secretary for Ireland had stated that the Bill would give no fresh powers to the Lord Lieutenant, and that the Lord Lieutenant at present could proclaim any meeting; but it was a very serious question whether the Lord Lieutenant in Ireland, or whether the Executive in England, should have a right to intervene in a legally constituted public meeting. The Lord Lieutenant had assumed that right; but it was very doubtful whether he himself, and the police who acted in consequence of a proclamation of that kind, would not be liable to an action. But, be that as it might, he contended that the Bill itself made a distinction. According to this Bill, not only might the Lord Lieutenant proclaim a meeting which he had reason to think dangerous to the safety of the public, but he might punish, under the provisions of the Bill, anyone who attended that meeting. Now, that was a power which he did not possess at present, and it seemed to him a fair and reasonable thing that when anyone was arrested and brought before a magistrate for attending a public meeting, he should have the right to raise the question whether the meeting was convened for an unlawful purpose, or for the purpose of carrying out a lawful object riotously and tumultuously. That was the simple object of his Amendment.

MR. ARTHUR ARNOLD said, he gathered from the expressions made use of by the hon. Member that he intended to persevere with this Amendment. Personally, he thought the Amendment unnecessary, because it sought to limit the power the Lord Lieutenant at present had by law. He objected very much to the clause as it stood in the Bill, and he should have been prepared to vote for an Amendment upon it in regard to the punishment; but he objected to the proposal of his hon. Friend, on the ground of the restriction it placed on the power of the Lord Lieutenant. He certainly thought that the power possessed by the Lord Lieutenant in reference to the prohibition of public meetings at the present moment was sufficient; but as the Amendment restricted that power he was unable to support it.

MR. MARUM said, the law as to public meetings was the same both in England and Ireland, and it had been recently held by English Judges in the case of the Salvation Army riots at Weston-super-Mare that if a meeting held for a lawful purpose were interfered with by other persons, it was for the Government to prevent that interference. In the case in question, certain persons attended a meeting of the Salvation Army, and met another army in the same town. There was a free fight, and they overpowered the constables. The matter was brought before the local magistrates, who issued a circular in the nature of a proclamation, prohibiting another meeting of the Salvation Army in consequence of the previous fight which had taken place, anticipating that a similar occurrence might happen again. The question was submitted to a Superior Court whether, under the circumstances of the case, the magistrates were justified in issuing that prohibition, and Mr. Justice Field and Mr. Justice Cave gave a lucid Judgment, in which they held the magistrates were not justified under the circumstances in the action they took, but that it was the duty of the Executive to have a sufficient force in the town to preserve the peace, and that the fact of a large procession going through the town drawing together a considerable number of persons, if its object was peaceable, had a legal right to hold that meeting. The Judges, therefore, quashed the conviction; and he gathered that the law of England, in consequence of that decision, was that a lawful meeting could be held for a lawful purpose, and that if it were so interfered with by any other persons it was the duty of the Government to prevent the interference. In his opinion, it was an extremely doubtful matter whether, in Ireland, the Lord Lieutenant, or the Executive, were justified in the proclamations they had issued hitherto; and there was no wonder, under these circumstances, that it had been thought necessary to bring forward a specific clause to enable the Lord Lieutenant to prohibit public as well as private meetings. It seemed to have been forgotten that under the previous sections of this Bill very large powers had been conferred. Any person who took part in an unlawful assembly was liable to the penalties of the Act; and not only that, but any person, by act or words spoken, would fall within the provisions of the 4th section, so that an influence of a very potent character would be exercised upon any person who desired to attend a public meeting. If a man went to a meeting quite innocently, and it turned out to be an unlawful one, or if words were spoken or acts done of a certain character, he would have rendered himself liable to very serious penalties. These were matters that should be taken into consideration when they had to consider that the Lord Lieutenant, of his own caprice, without any control, was to be able to stop any public meeting in Ireland. Yesterday, in discussing the question, it seemed to have been forgotten that they had already passed the 4th and 5th sections of the Bill, and that they would be in full force and effect. He asked why it was necessary that the arbitrary powers conferred by this clause should be vested in the Lord Lieutenant? He knew that they must bow to the inevitable, and that the section would pass, and his observations were hardly directed against a refusal of this power, because, as he said, it was inevitable that it would be given. But the object of his Amendment was to restrict the powers of the Lord Lieutenant. The hon. Member for Northampton (Mr. Labouchere) had very properly brought forward the fact that under the section—

> "The Lord Lieutenant may from time to time, by order in writing to be published in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety."

In the decision he (Mr. Marum) had alluded to at the commencement of his observations — namely, the Weston-super-Mare case—it was distinctly laid down by the Judges that although in the opinion of the magistrates the public safety and the public peace were in danger, nevertheless the magistrates were not authorized to issue a proclamation prohibiting a contemplated meeting, so that they might prevent similar riots. It was, therefore, established that an apprehension in regard to the public safety, or of the commission of a breach of the peace, was not sufficient in Common Law to authorize the issue of a proclamation of this kind. He did not know whether it was intended by the words "public safety" to include anything beyond the public peace. The section said "the public peace or the public safety;" but it was not questioned whether public safety meant anything more than public peace. His remarks on the present Amendment would render unnecessary any lengthened observations on the next Amendment which stood in his name, which was to the effect that no proclamation should take effect except on a sworn information in writing.

MR. P. MARTIN said, that in considering the Amendment they ought to have regard to what the exact state of the law was. At the present moment, under the existing law, the Lord Lieutenant of Ireland was, as had been stated by the Attorney General, empowered to prohibit a meeting; but he (Mr. P. Martin) submitted that under the existing law, if the Lord Lieutenant prohibited a meeting, it was competent for any person who had attended that meeting, if indicted in a Court of Justice, [illegible]stion the legality of the procla[illegible] by the Lord Lieutenant[illegible]t, it was the duty of every su[illegible]een, when he came to the m[illegible] found such a proclamation ha[illegible] issued, to leave the meeting at once; but he was still at liberty to question, if prosecuted, the legality of the proclamation. The learned Attorney General for England (Sir Henry James) might recollect that in the celebrated case of the prosecution against Mr. O'Connell the legality of what was known as the celebrated proclamation of Clontarf had been strongly questioned. The Act of 1833 had been referred to by the Secretary of State for the Home Department. The framers of the Act of 1833 knew that the law was as he (Mr. P. Martin) had stated it; and on referring to the 2nd section of that Act, it would be found that when, for the first time, power was given to the Lord Lieutenant, by Statute, to make this proclamation, it was prescribed that persons attending a proclaimed meeting should be guilty of a statutable misdemeanour, and indictable at Common Law only after notice given and knowledge. It was only in that way, even under the Act of 1833, stringent as that Act was, that punishment was inflicted upon any person who was present at a meeting which had been proclaimed by the Lord Lieutenant. What was proposed to be done by this Bill, if it passed into an Act, was totally and entirely different. What was stated in this section was that—

> "The Lord Lieutenant may from time to time, by order in writing to be published in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety."

Therefore, it would be incompetent for anyone to question anything except the fact that the meeting was proclaimed, and that it took place. The section went on to say that—

> "Any person who is present at a meeting prohibited in pursuance of this Act shall be guilty of an offence against this Act."

Under that clause, the Lord Lieutenant had power to prohibit a meeting that was perfectly legal and justifiable; but a person attending it would be liable to six months' imprisonment. It would apply even to a meeting that took place in a vestry of a chapel in Ireland. Suppose such a meeting was called for 4 o'clock in the afternoon, and the Lord Lieutenant proclaimed it at 10 minutes past 4, any person who was present at the meeting, whether he knew of the proclamation or not, was at once, under this section, if it were passed into law, made guilty of an offence punishable by imprisonment with hard labour. There was nothing in the section to provide that a guilty knowledge should be brought home to the accused. Therefore, the clause did two things—it did away with the protection which existed under the present law of a right to question the ground on which the proclamation was issued; and it went further, and enabled a person to be convicted of an offence, for which the penalty was six months' imprisonment with hard labour, although at the time he attended the meeting he might not have been aware of the existence of such proclamation. The Act of 1833 was extremely stringent, but it contained no provision as stringent as this. Under the Act of 1833 a person present at a proclaimed meeting must first be requested to leave, and it was only after refusing to leave that he was liable to be indicted at Common Law for a misdemeanour. They all knew that the Act of 1833 was an Act which had always been looked upon as the most unjust and tyrannical measure which had ever been placed on the Statute Book, and so unjust and tyrannical that the Parliament which passed it had to modify it the very next year. But even in that Act the injustice which might be inflicted under the operation of the present clause could not have been committed.

THE CHAIRMAN wished to point out to the hon. and learned Member that he was speaking against the entire clause, upon which there were a number of Amendments, and that he was altogether departing from the Amendment now before the Committee.

MR. P. MARTIN said, he was afraid the right hon. Gentleman in the Chair had not understood the drift of his argument. Perhaps he had been enlarging a little unnecessarily; but he was illustrating the evil effect of allowing the present words to remain without amendment in the Bill, and desired to show that if the clause was to remain without the Amendment in its present state, it would be contrary to all precedent, and not be in accordance even with the Act of 1833.

THE CHAIRMAN said, there were various Amendments upon the Paper, which would come on for discussion in regular order; but the hon. and learned Member was at present discussing the whole clause.

MR. P. MARTIN said, he did not intend to do so, and if he had transgressed he regretted it. The object of the Amendment, he conceived, was to safeguard the clause, by making it necessary, in case of prosecution, that the Executive should be bound to prove that the meeting was in fact what was recognized in law as an illegal meeting. To show the necessity for some such protection for persons who might be innocent, he had considered it desirable to show what would be the practical working of the clause in its present form, unamended, and the evil effects of permitting the mere belief of the Lord Lieutenant, even though it could be shown that belief was unreasonable and ill-founded to subject any persons who attended to liability to six months. It was in aid of the view he desired to present that he had alluded to the Act of 1833, which, as he had stated, did not make the fact of attendance criminal until notice had been given to the persons present at the meeting; and he had then been going on to illustrate that the punishment, even after guilty knowledge was established, was simply by indictment under the Common Law, with the protection of a jury. No doubt there was considerable difficulty in discussing an Amendment of this character when there were a number of other Amendments upon it.

MR. DILLWYN said, he ventured to express an earnest hope that the Government would listen to the very moderate proposal of the hon. Member for Northampton (Mr. Labouchere). The hon. and learned Member who had just spoken showed that the clause placed great additional power in the hands of the Lord Lieutenant. They were now giving powers of a most arbitrary character, together with a summary penalty upon people who attended public meetings. The Act of 1833 did not give such powers, and he confessed that he did not like to leave it absolutely to the discretion of the Lord Lieutenant upon a penal question of this sort. He thought there ought to be a definition, and a hard line drawn, as to what was to constitute an illegal meeting, and that it ought not to be left to the discretion of the Lord Lieutenant. He, therefore, appealed to Her Majesty's

Government to modify the clause in the direction of the proposal of the hon. Member for Northampton (Mr. Labouchere). He did not like the Bill at all, and he certainly did not like this clause; but, at the same time, he thought this clause would be made much more acceptable, and much more workable, and much more efficient if the feelings and traditions of the Supporters of Her Majesty's Government on that side of the House were studied by agreeing to a modification of it. Therefore, even now, at the last hour, he would venture to hope that Her Majesty's Government would reconsider the clause, and accede to the very moderate demand his hon. Friend (Mr. Labouchere) had made.

Mr. J. LOWTHER said, it appeared to him that if Her Majesty's Government on their responsibility had announced that the Irish Executive considered the clause to be necessary, it was hardly worth while to entertain Amendments such as that proposed by the hon. Member for Northampton (Mr. Labouchere). What would be the effect of the proposal now made? The hon. Member proposed that the Lord Lieutenant, who could now prohibit meetings at discretion, should not be able to do so unless he was in a position to prove that they would be dangerous to public safety. ["No, no!"] He had before him the Amendment, which proposed to leave out the words—

> "Which he has reason to believe to be dangerous to the public peace or the public safety,"

in order to insert the words—

> "Convened for an unlawful purpose, or with an intent to carry out a lawful object riotously and tumultuously."

It seemed to him that that would make it a matter of the greatest difficulty to stop the meetings which, in the opinion of the Government, were dangerous to the public safety. It must be borne in mind that meetings were not always ostensibly and openly convened for the purpose they were designed to carry out. A meeting was not unfrequently ostensibly convened for a comparatively harmless object; but, in the opinion of the Government, it might not be safe, in the interest of the security of the State, that an excited meeting in a particular locality should take place at all. Her Majesty's Government, stated on the authority of the Lord Lieutenant, that he and those who advised him attached the greatest importance to this clause. The clause itself, he would fairly admit, was a matter for argument, and whether a Bill of this kind should be passed at all was undoubtedly a fair matter for difference of opinion. His own opinion was that it was most desirable to pass a Bill upon these lines; but, of course, hon. Members below the Gangway held a different opinion, approaching the question as they did from an entirely different standpoint. But he trusted that those who wished—as he understood the hon. Member for Swansea (Mr. Dillwyn) to wish — the Bill to be passed into law would not lend their countenance and support to an Amendment which could have no other effect than to render the clause practically unworkable and useless. Under those circumstances, he trusted that the Committee would not accept any Amendment of this kind.

Mr. STOREY said, the right hon. Gentleman (Mr. J. Lowther) asserted that the effect of adopting this Amendment would be to make the clause practically useless for all purposes in Ireland. What he wished to point out to the right hon. Member was this. If the clause were modified according to the wish of the hon. Member for Northampton (Mr. Labouchere), the present power of the Lord Lieutenant would still be retained in its entirety. What the hon. Member for Northampton wished to do was this —he wanted to draw a clear definition between meetings convened for an unlawful purpose, and meetings convened with an intent to carry out a lawful object riotously and tumultuously, and a class of other meetings which might take place in Ireland, and which had taken place in Ireland. He might give an illustration, which ought to come home to the Treasury Bench. There was a meeting in Hyde Park in favour of Reform in 1866. That was a meeting which the Government of the day prohibited; but it was a meeting which nevertheless was held, and it was held in defiance of the action of the Government, the leaders of the Reform movement stating their intention of contesting the legality of the prohibition. Would the late Chief Secretary for Ireland say that, in regard to such meetings as that, the legality of which might be freely asserted, it was reasonable to provide that every person who attended them was to be liable to six months' imprisonment with hard labour. The proposition of the hon. Member for Northampton (Mr. Labouchere) was one which he thought the Government might reasonably accept. If there was a meeting for an unlawful purpose, or a meeting with an intent to carry out a lawful object riotously and tumultuously, then let them take the power to prohibit it, and also the power to send a man who attended it to gaol for six months. He did not mean to say, personally, that he agreed even with that. He thought there ought to be a further limitation—namely, in the case of meetings which might have ended in tumult, but which might not have been called for the purpose of tumult. He thought it would be very unfair to send men to gaol for attending a meeting of that kind. He had listened to the statement of the Chief Secretary for Ireland, when he suggested to the Committee that they might fairly trust the Irish Executive Government; but the right hon. Gentleman was unable to tell them that the Government which might succeed the present one might not act very differently from the manner in which the present Government would act. He should like to call the attention of the Chief Secretary for Ireland to the words of his Predecessor, the right hon. Member for Bradford (Mr. W. E. Forster), who said that there were two grounds on which a meeting ought to be dispersed—one was danger to individuals attending them, and the other was that, directly or indirectly, they might be the occasion of an excitement that would probably lead to a breach of the peace. Now, he had sat upon the Bench in the North of England, and he understood what it was to have a meeting prohibited, because it was calculated to lead to a breach of the peace; but he was prepared to say that no public meeting had been held in a time of excitement in the North of England, or in any part of England, which could not have been prohibited, according to the elastic definition of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster)—namely, a meeting which led, either directly or indirectly, to excitement which might end in a breach of the peace. He would ask what were all their public meetings if they were worthy of the name of public meetings at all, and were to have any influence upon public affairs? All their meetings were full of excitement; they were unable to make any effect upon Parliament until a time of excitement came, and it was the same in Ireland, and yet, according to a Liberal Ministry, and to a late Liberal Chief Secretary for Ireland, they ought to prohibit meetings upon such a ground as this; but he had never understood the late Chief Secretary for Ireland to say that he would hold for a moment that if a man attended such a meeting as that, even if it were prohibited, he ought to be liable to six months' imprisonment, and be deprived of the right of contesting the prohibition of the meeting. Under these circumstances, he pressed upon the Government, though probably he and his Friends who entertained the same view were almost helpless in the matter, that they should reconsider their decision with regard to this Amendment. No doubt those who supported it were few in number; but, nevertheless, they pressed upon the Government, having regard to their own declarations in past days, and to the danger which might possibly arise if the clause passed in its present form, that they should accept some modification in the clause as it stood at present.

SIR WILLIAM HARCOURT said, he thought it would be far better to negative the clause altogether than to make it perfectly nugatory and useless, as would be the effect of the Amendment of the hon. Member for Northampton (Mr. Labouchere). It was altogether beside the mark to say that such a clause as this was not wanted in England. They all knew that perfectly well. Nor would it apply to such meetings as that which was presided over the other day in Hyde Park by the hon. Member for Newcastle (Mr. J. Cowen). Everybody knew that the feeling of the community in England was on the side of the law, and, therefore, meetings might be held without danger in this country which would be altogether unsafe under the present condition of Ireland. It was upon that ground that meetings had been prohibited within the last two years in Ireland, and upon that ground alone. He complained that the same arguments were urged over and over again. The opinion of the Government was that the powers which were taken in the year 1833 were necessary at the present day. He fully understood that hon. Members opposite were not of that opinion; but the Government did not obviously share that view, or they would never have introduced the present Bill.

Mr. SEXTON said, there was a definition of prohibition in the Act of 1833.

Sir WILLIAM HARCOURT said, the definition of prohibition was that public notice should be given, and a similar definition was given in this clause—namely, that it should be a meeting which the Lord Lieutenant had reason to believe "to be dangerous to the public peace or the public safety." There was quite as much necessity to take such powers as there were in the year 1833. The Irish Executive were of opinion that the powers were necessary, and that they should not be confined to meetings convened for an unlawful purpose; but it was not likely that meetings would be made public which were convened for an unlawful purpose, or with an intent to carry out a lawful object riotously or tumultuously, and, therefore, the Government could not accept the words of the hon. Member for Northampton (Mr. Labouchere). There might be many meetings held which it was desirable to prohibit altogether outside the terms of the hon. Member's Amendment. No doubt such a ground would be the ordinary ground for magisterial intervention in England; but the Government had never pretended or claimed that they desired to deal with such cases in Ireland. They asked for exceptional powers here to deal with an exceptional danger. It was highly probable that meetings might be convened for an unlawful purpose at which the language used might be of such an inflammatory character as to lead to evil results; and they felt that it ought to be within the discretion of the Lord Lieutenant, who was the person responsible for the public safety in Ireland, to prohibit such a meeting. He wished hon. Members opposite to understand clearly that, in the view of the Government, it was perfectly idle to expect that they could depart from the principle they had laid down in this clause, or accept Amendments which would, in point of fact, entirely defeat the object of the Bill.

Mr. CALLAN said, he thought the Home Secretary had misled the Committee as to what the practical effect of adopting the Amendment would be. The right hon. and learned Gentleman seemed to think that if the Amendment were adopted the offence which the clause dealt with would have to be brought under the purview of a jury. Now, the Amendment only struck out the words—

> "Which he has reason to believe to be dangerous to the public peace and the public safety;"

and it provided that the Lord Lieutenant might prohibit any meeting—

> "Convened for an unlawful purpose, or with an intent to carry out a lawful object riotously and tumultuously;"

and it provided that any person who was present at such a meeting so prohibited should be guilty of an offence under the Act. Therefore, the adoption of the Amendment would not place any offence against the Act under the purview of a jury.

Sir WILLIAM HARCOURT: I never said that it would.

Mr. CALLAN said, he had not asserted that the right hon. and learned Gentleman had said so, because if he had said so in expressed terms he would have intentionally misled the Committee; but the right hon. and learned Gentleman had done so unintentionally, because he had pointed out that no jury would find a person guilty; and, therefore, he had led the Committee to believe that if they accepted the Amendment of the hon. Member for Northampton (Mr. Labouchere) they would place the matter under the purview of a jury. According to the Amendment of the hon. Member for Northampton (Mr. Labouchere), the Lord Lieutenant would be able to prohibit any meeting convened for an unlawful purpose, or with an intent to carry out a lawful object riotously and tumultuously. And how was that intent to be ascertained? Had they not their Clifford Lloyds, and their County Inspectors Smiths, and their Sub-Inspectors to swear informations that they believed such meetings were convened for an unlawful purpose, and with intent to carry out illegal objects, and in that case the Lord Lieutenant would have full power to prohibit them. Anyone attending such a meeting would come under the Act, and would be taken away from the protecting influence of a jury. It was perfectly clear that if the Committee adopted the Amendment of the hon. Member for Northampton (Mr. Labouchere) the Lord Lieutenant would still have full power to suppress any meeting called for an unlawful purpose, or to carry out any unlawful object riotously and tumultuously. They had 300 police officials in Ireland—Sub-Inspectors who would be prepared to swear to any intent that might suit the purpose of the Government. The Home Secretary said that if they adopted the Amendment it would defeat the object the Government had in inserting this clause. He could only gather that that object was to suppress all public meetings in Ireland for the next three years, and to place them completely and entirely at the mercy of the Castle officials; and, under these circumstances, he should certainly vote for the Amendment.

MR. T. D. SULLIVAN said, the right hon. and learned Gentleman the Home Secretary had just told the Committee that certain liberties of speech and action on the part of Her Majesty's subjects could be tolerated in this country, because the feeling here was on the side of the law. Why was the feeling here on the side of the law? It was for a very simple reason—because the law was on the side of the people, because the law was tender of public rights, and because the law was a safeguard of public liberty. Therefore, the feeling in England was, to a very great degree, on the side of the law. If the same treatment were extended to Ireland it would be soon seen that the feelings of the people there would be on the side of the law; but the law in Ireland had been, and was every day being made, the enemy of liberty, the enemy of public right, the enemy of freedom of speech, and of freedom of action—aye, and of freedom of thought, if the law could reach that. Under these circumstances, was it wonderful if the feeling of the people of Ireland was not altogether on the side of the law? If they treated the people of England to the same law that they gave to the Irish people, they would refuse to submit to it; and they would then see whether the feeling of the English people would be on the side of the law. Let them treat the people of England to the Protection of Person and Property Acts; let them treat the people of England to a measure like this; let them treat the people of England to any one of the five coercion measures which had been brought forward since the date of the Act of Union, and then they would see if the feeling of the people of England would be on the side of the law. The feeling of the people of Ireland was what the law of England had made it. It had made it incumbent on every high-spirited man in Ireland to have no feeling on the side of the law, except in so far as the law might be in accord with justice and morality.

THE CHAIRMAN said, the hon. Member was getting very general in his remarks. He ought to recollect that there was a particular Amendment before the Committee.

MR. T. D. SULLIVAN said, he would not contest the ruling of the right hon. Gentleman; but he had been replying to words which had fallen from the Home Secretary, and he thought the Irish Members ought to be free to reply to arguments such as those which had been brought forward on the part of the Government.

THE CHAIRMAN said, he had allowed the hon. Member a considerable amount of latitude; but he was now going into a general disquisition, which was not covered by the Amendment.

MR. T. D. SULLIVAN said, that the hon. Members who represented Irish constituencies were under great difficulties, and, of course, they had to submit; but he had been pleading for his own people, and his own country, and the liberties of Irishmen. He hoped he would be excused if he had in any degree, even by an eighth of an inch, gone too far, or occupied half a minute too much of the time of the Committee in replying to the arguments addressed to the Committee by the Home Secretary, and which he had considered to be very important, and calculated to have some effect upon the feeling of the House. Unfortunately, the people of Ireland were placed at the mercy of the Lord Lieutenant in these matters; but the Lord Lieutenant himself was very little more than a name in these cases. The Lord Lieutenant sat in Dublin Castle, and could not personally investigate these districts, or be aware of what was going on in them, or what was likely to go on. He was bound to act upon information supplied to him by men who were notoriously the enemies of Ireland,

and the enemies of Irish liberty and of Irish rights—by men convicted at the present moment even under the newly-made Act of Parliament—the Landlord and Tenant Act, which had just been passed—convicted by the decisions of the Sub-Commissioners of having been the robbers of the Irish people for generations; and it was to be upon information supplied by such men that the Lord Lieutenant was to act. Could any man doubt what the result would be under such circumstances? Did anyone not know that the landlords of Ireland hated and detested public meetings for any purpose whatever? If these men could have their own way, there would be a wholesale prohibition of public agitation, or of any public meeting for the assertion of public rights, from one end of the country to the other. It might be said, as a counter argument, that if such had been the will of the landlords there would have been no public meetings. He granted that this power had not been carried out to its utmost limit; but this was a new measure to enable them to carry it out to any limit they chose. Public meetings in Ireland had hitherto been regarded as safeguards, not only of the rights, but of the liberties of the people, and also as affording protection for the peace of the country. He believed that if public meetings could have been held in Ireland during the past two years, there would have been a far better state of things there than now existed. While public meetings were free there was very little crime in Ireland; but since they had been suppressed crime had increased. Under this system of terrorism and oppression crime was bound to grow up and flourish, and it was his firm conviction in regard to this measure that it would not tend to the repression of crime. There could be no doubt that there would be a strong feeling of irritation in the minds of the people when they found themselves shut out from every legitimate mode of agitation. It had been some sort of consolation to the people of Ireland, when they believed that they had grievances to ventilate, to know that the public platforms were open to them, and that they could give public expression to their feelings; it was a satisfaction to them to find that men were able to denounce the injustice which was practised upon them, and to plead for their rights and their liberties. Many a man who went to a meeting of that kind went home with a feeling that there was still in Ireland someone who could speak for them and protect their interests by making a claim for justice and a protest against oppression. But what would happen now? Nothing of the kind could occur. The Irish tenant would have to brood over his grievance in secret. He would have to consult with a few men as desperate as himself; and, maddened by the injustice of being shut from every opportunity of public complaint, and thrown upon his own desperate resources for the vindication of his rights and redress of his wrongs, he would resort to acts that were illegal. He regretted to see the Home Secretary come down there and, in the English House of Commons, ask for the destruction of every fragment of Irish liberty. Where were the great Members of the Liberal Party who in former days had pleaded for liberty? Why did they not come there now and plead for the liberty of the subject in Ireland? Was the Chancellor of the Duchy of Lancaster ashamed to show his face and to speak before the English nation in support of these tyrannical measures? Why was not even the Prime Minister himself present? The right hon. Gentleman (Mr. Gladstone) was committed to this Bill; but he left the work of arguing in favour of tyranny and oppression to other hands than his own.

The CHAIRMAN said, he must point out to the hon. Member that he had never once spoken on the subject of the Amendment, but had been discussing the entire clause. He had not at all referred to the Amendment before the Committee.

MR. T. D. SULLIVAN: Well, then, Mr. Playfair, I will say no more.

MR. LEAMY said, the rejection by the Government of the Amendment of the hon. Member for Northampton (Mr. Labouchere) showed conclusively that their object was to stifle free speech in Ireland for the next three years. The right hon. and learned Gentleman the Home Secretary said it was desirable that the Lord Lieutenant should be able to put down meetings at which he reasonably believed speeches might be made of an inflammatory character calculated to excite the public to a breach of the peace, so that a meeting was to be put down, not because it was held for an illegal object, not on account of hostile influence that might be at work for bringing about a breach of the peace, not because it was unlawful or illegal, but simply because the Lord Lieutenant, or anybody thinking for him—for they knew very well the Lord Lieutenant must act on the information of others—believed that at that meeting certain speeches would be delivered which were objectionable. It was evident that the clause was introduced in order to strike at free speech. The Lord Lieutenant, under the present law, had power practically to put down every meeting in Ireland, and he therefore failed to see why the Government should ask for these extraordinary powers. The mere fact of the Lord Lieutenant forbidding a meeting was to constitute every man attending it a criminal in the eye of the law, and liable to six months' imprisonment with hard labour. Suppose a meeting was called in Ireland for a perfectly legitimate object, such as reform of the Land Laws, or an extension of the suffrage — which was very much wanted in Ireland—the Lord Lieutenant would have power to put down such a meeting as that, so that any man at present deprived of a vote who attended it should, for supporting his claim for an extension of the suffrage, be liable to be sent for six months to gaol, and condemned to herd with thieves of the worst character and description, as if he had been guilty of some crime against morality. It was very well to point out that before the Lord Lieutenant could act upon this belief, he must receive information from someone, probably someone living in the locality in which the meeting was to be held, and they all knew that the people who would furnish information of that character to the Castle were men utterly opposed to the popular view that was taken in Ireland of public affairs—men who thought that reform had gone far enough in Ireland, who would like to see no further reform in any direction, and who would easily allow themselves to be persuaded into the belief that a breach of the peace was contemplated, which might be prejudicial to the public safety. He did not like the words "public safety;" he thought they had rather an anomalous sound. He remembered, within the last seven or eight months, public meetings being held in the City which he represented (Waterford), and he was aware that a deliberate attempt was made to endeavour to get that meeting proclaimed. Information was sworn before the magistrate that if the meeting was held it would lead to a breach of the peace on that occasion. The information so sworn was not taken notice of by the authorities, because, happily, the magistrate, and even the police in Waterford, were on the best possible terms with the people; and they knew from long experience that on the occasion of ordinary popular demonstrations they could firmly trust to the people themselves. The result was that large public demonstrations had never been attended with anything tending to a breach of the peace. Nevertheless, this information was sworn, and, no doubt, the gentlemen who sought to have the meeting prohibited had persuaded themselves that it ought to be stopped. It was not stopped; and how were they to know that informations, not a bit more justified, might lead to the stoppage of other meetings in different parts of Ireland? He felt perfectly convinced that the circumstances under which meetings had been proclaimed during the time the late Chief Secretary was in Office—during the last 12 months — were equally questionable; and if this power now sought to be introduced under the present clause had been in the hands of the right hon. Member for Bradford (Mr. W. E. Forster), there would not have been a single public meeting held in Ireland during the last two years. He thought the Government would have acted in a more straightforward manner if they had said that for the next two or three years there should be no public meeting in Ireland. He thought they might reasonably accept the Amendment of the hon. Member for Northampton (Mr. Labouchere), if they only designed to put down illegal meetings, or to put down meetings which, in their opinion or judgment, were summoned with an evil intent, or with an intention of carrying out a lawful object in some way that might be considered tumultuously and riotously. That would be a sufficiently extensive power to place in their hands; but they appeared to want the power of taking away every vestige of liberty in Ireland. The moment this

Bill passed, he thought it would be the duty of the Irish people to call as many meetings as possible, in order to ascertain if it were intended to allow any meeting whatever to be held. By that means they would soon expose the hands of the Government, and see whether these great powers were to be entrusted to the Lord Lieutenant, simply because he was a Member of the Liberal Party, and was supposed to profess Liberal opinions. He confessed that he himself would rather trust to an Irishman. What guarantee had they for the presumption that any new Lord Lieutenant would be a man of Liberal views, and what guarantee had they for supposing that Lord Spencer would remain long in his present Office? He might very soon become disgusted with the position he was called upon to occupy, and some desperate man might be sent over, who would put a stop to every meeting, no matter how legitimate was the object for which it was called.

Mr. GIBSON said, this particular Amendment was really an Amendment that would kill the clause; it was not at all an Amendment to the clause; but, if carried, it would take the life and principle out of it. He did not apply that general criticism to all the Amendments which had been put on the Paper, but only to this particular Amendment. What was it? It was one which asked the Committee to say that it was right only to entrust the power to the Lord Lieutenant to put down meetings that were convened for a certain purpose and with a specific intent. Anyone must see at a glance that that would practically put the Lord Lieutenant at the mercy of the notice that would be issued convening the meeting, and the convener of the meeting would simply have to take care not to convene it for the particular purpose mentioned in the Amendment. Such a proposition would obviously destroy the clause. He would not say that that was the object of the hon. Member for Northampton (Mr. Labouchere), but he rather thought it was. The Government obviously would not ask for a power like the present unless they were satisfied, on mature consideration, that there was no alternative which would enable them to act without it. Yesterday a letter from the Viceroy had been read, from which it appeared that he had every desire to look at this matter from the fairest and most reasonable standpoint. He believed that if the Viceroy were entrusted with the power named in the Bill it would not be used secretly, and he hoped that it would be left to him to consider whether the meetings were likely to disturb the public peace or the public safety; and, further, that wise and rational counsel would be brought to bear upon the matter. For his own part, he would regret that any Act of Parliament should interfere with the expression of legitimate public opinion; and he ventured to think that neither in England nor in Ireland would any man who understood the condition of the country wish to see any section of an Act applied to check legitimate discussion or fair criticism of abuses. But Ireland at present was in a most critical and dangerous political position; and the Committee would understand that with regard to many parts of the country meetings of certain kinds, held upon certain conditions, might unquestionably be dangerous to the public peace and public safety. Therefore, he did not think it unreasonable that the very difficult and responsible power given by the section should be vested in the head of the Irish Administration. It was, of course, very easy for hon. Members below the Gangway to talk of the tyrannical exercise of an arbitrary discretion; but they lived in a country where the tyrannical exercise of discretion was impossible. One had only to look at the Question Paper to see that nothing great or small could be done without its being brought before the House of Commons; and, therefore, with regard to the power of the clause, whether it were exercised by the present able and capable Nobleman at the head of the Irish Administration, or the Viceroy who succeeded him, he felt sure it would be exercised under conditions that would place it within the reach of the fullest public discussion and examination.

Mr. JUSTIN M'CARTHY said, that although the right hon. and learned Gentleman had professed himself desirous of preserving the right of public meeting, he was about to vote for a clause which, if it were passed without Amendment, would make it absolutely impossible to hold any popular meeting in Ireland during the next three years. Suppose a meeting got up for the most legitimate purpose, and that it was known that the opinions which some people were likely to express there would be distasteful to other persons who might attend the meeting, the Viceroy in that case would say—"This is a meeting which is likely to disturb the peace, and it cannot be held." A person wishing to stop a meeting would only have to say that he was going to oppose, and that there would be a riot, and the Viceroy would consider himself bound to suppress it. The right hon. and learned Gentleman the Secretary of State for the Home Department said this power was as much needed now as it was in the year 1833. He (Mr. Justin M'Carthy) did not admit that; but if it were true, what a censure did the words of the right hon. Gentleman pass upon a Government that, after the 50 years of coercion which had elapsed, now brought in another Coercion Bill for the purpose of governing Ireland! He did not think that the policy of the English Government with regard to Ireland had ever been more sternly condemned than by the words of the right hon. and learned Gentleman.

DR. COMMINS said, they had been told it was not the intention of the Government to interfere in any way with the right of public meeting, or with the free expression of public opinion in Ireland; the sentiment had been repeated so often that he thought the Committee were almost tired of it. But notwithstanding this, when any Amendment was introduced with the object of safeguarding that expression of opinion, it was opposed in the strongest possible way, not only by the Government, but by hon. Members on the Opposition Benches. Another of the stock arguments which were bandied from one side of the House to the other had just been made use of by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson). He confessed he was surprised to hear the right hon. and learned Gentleman say that the Government desired the power in the clause; that it was necessary, and that, therefore, the clause should be passed. Why, that argument might be applied to every conceivable law which the Government wished to introduce; but, besides that, it constituted a comprehensive support of tyranny—it was in itself a most illogical and unconstitutional argument. It was inconsistent with the liberties of that House to try to influence the vote of any Member of it by saying he must pass the clause because the Government thought they ought to have absolute power. He protested against that argument.

MR. GIBSON said, he objected to that being represented as his argument. He had said that the House and the country were thoroughly acquainted with the state of affairs in Ireland; and therefore he thought it not unreasonable, with these facts before them, that the Government should ask for these additional powers.

DR. COMMINS said, he was only carrying the argument of the right hon. and learned Gentleman to its logical end in saying that because the Government thought they required this power, therefore it ought to be granted. If that were not the conclusion which the right hon. and learned Gentleman wished to be drawn, his argument had no meaning whatever. The argument had been put forward on both sides of the House *ad nauseam;* it was a stock argument introduced against any modification of this most objectionable clause which Irish Members wished to amend. But he was glad to hear that the right hon. and learned Gentleman the Member for the University of Dublin disclaimed any desire to carry it to its legitimate conclusion. Another of the arguments of the right hon. and learned Gentleman was that he himself, and everyone in the House who had spoken against the Amendments put forward by Irish Members, and against this one in particular, desired nothing more than that there should be free expression of public opinion in Ireland. If that were the case, he would only say that hon. and right hon. and learned Gentlemen had taken a very strange way of showing the sincerity of their desire. Why, the clause entirely prevented the expression of any public opinion in Ireland whatever. The clause made no provision for weighing and testing the opinion expressed, by the ordinary rules of law, as to whether or no it constituted an offence; but the expression of public opinion was made an offence beforehand, and if the clause remained without Amendment it would give power to the Lord Lieutenant, not only to declare a meeting illegal, but to make it an offence for anybody to be present as a listener. That amounted to an extension of the law which no ukase, law, or decree issued in foreign countries could parallel. The Government said that all they wanted was the power to convict without a jury, because, as the right hon. and learned Gentleman the Secretary of State for the Home Department had said in the course of the present discussion, it was of no use to send cases before juries who would not convict. That, undoubtedly, was the right hon. and learned Gentleman's argument, and it constituted the *raison d'être* of the clause. But the clause not only took away trial by jury—it took away trial by evidence. Trial by jury might, perhaps, be dispensed with if an adequate tribunal were substituted for it; but it was impossible that any reasonable assent could be given to a trial without evidence. The latest effort of coercive rule in Ireland rendered some amount of reasonable suspicion necessary; but this clause dispensed even with that, and by it a sentence of six months' imprisonment with hard labour could be inflicted without there being a suspicion of guilt against anybody. The mere attendance at a meeting prohibited beforehand on suspicion would be a crime of itself, even if the person so attending had no knowledge that the meeting had been prohibited. But it was said it was only proposed to prohibit meetings under circumstances that made it a proper thing to do so; to which he replied—"Let those circumstances be defined in the Act." That the Amendment of the hon. Member for Northampton proposed to do, and the definition supplied by him appeared to be quite sufficient to arm the hands of the Irish Executive in doing what was right. Surely they needed no power to prohibit a meeting held for an illegal purpose. That power the Amendment left untouched, and the Home Secretary, moreover, said—"If such a purpose is openly expressed in the notice calling the meeting, then we should not need this power; we could deal with a case of that kind under the powers we have." Well, even if other powers were necessary for that purpose, let them be given. If it could be shown that under cover of a Constitutional purpose there was an intention to incite to crime, then the Amendment of the hon. Member for Northampton gave power to the Lord Lieutenant to suppress any such meeting. That being so, he asked, what more power was required by the Irish Executive? There was no meeting which ought to be suppressed that did not come within the two categories in the Amendment before the Committee; and if something must be done in order to prevent the peace being disturbed, or illegality being done at any public meeting, he contended that the clause as it was proposed to be amended was ample for the purpose. In case of the prohibition of a perfectly harmless meeting, without the Amendment there would be no evidence to show what it was that induced the belief in the mind of the Lord Lieutenant that the meeting was likely to be dangerous to the public peace or the public safety, nor any means of afterwards tracing the person who might have misled the Lord Lieutenant with regard to the meeting. It had been pointed out that the Lord Lieutenant would never act *propria motu;* and, therefore, if information were given to him that a public meeting ought to be suppressed, and in consequence of that information he were to subject persons to penalties who were not liable at all, there would be no means of finding out who were the real disturbers of the public peace by misleading the Lord Lieutenant. The clause, without amendment, would give facilities to the spy and the informer, and to persons wishing to interfere with the legitimate expression of public opinion, who would be enabled to effect their nefarious purposes with impunity, for there would be no means of bringing them to justice. "But," said the right hon. and learned Gentleman the Member for the University of Dublin, "you have the power of preventing such abuses, because you can always put questions in the House of Commons with regard to any abuse of power in Ireland." Now, he did not think any person who had regarded the course of events in that country would deny that there had been a great abuse of power on the part of somebody; but he should like to know of any person who had been brought to justice for that abuse of power in consequence of the questions that had been asked. He was unable to recollect a single instance of the kind; and, therefore, he concluded that the protection on which the right hon. and learned Gentleman relied was perfectly useless. He cordially supported the Amendment of the hon. Member for Northampton, because he considered there ought to be some safeguards to protect the people, not against abuse on the part of the Lord Lieutenant, for he did not believe he would abuse his powers intentionally; but against the action of those in whom he would have to trust, and for whom Irish Members had no feeling of confidence—the persons who would be able to put the Lord Lieutenant in motion, so to speak, and utilize his great powers for the purposes of private malice and private partizanship, or for purposes equally to be deplored, and which had already too many facilities for their attainment in Ireland. If the clause was to be worked by the Lord Lieutenant, there must soon be a situation vacant at the Castle; he would be obliged to have a chief prophet, and the opposition of himself and his Colleagues to the clause might be modified if it were known who was to be elevated to that irresponsible post.

MR. BIGGAR said, he differed from the hon. Member for Roscommon (Dr. Commins) on one important point. The hon. Gentleman had told them that the questions put to the Government with regard to Irish abuses had not borne any fruit during the last two years. He confessed there was great difficulty in getting redress of grievances by means of questions and Motions; but he had always felt that if the practice were persevered in beneficial results must follow. Indeed, they knew that substantial advantages had accrued already from the questions asked and the speeches made in denunciation of the Government policy towards Ireland during the last 12 months. The results up to the present time were that they had got rid of a Chief Secretary and a Lord Lieutenant, and he held that a very substantial benefit had been derived from the pressure brought to bear on the Government and on public opinion in Ireland. The right hon. and learned Gentleman the Home Secretary had referred to a large meeting which was held in Hyde Park in 1366. Now, he thought the parallel drawn by the right hon. and learned Gentleman should have been carried farther. The people in Ireland would not complain if fault were found by the Lord Lieutenant with a meeting at which real outrage took place; but, as far as he could remember, no prosecution followed the meeting in Hyde Park, although the railings were torn down, and the meeting had been prohibited. He challenged the right hon. and learned Gentleman to say that outrage had taken place at any meeting held in Ireland. It was notorious that the meetings held there had been of the most peaceable character. The Government should speak frankly and say they would only allow meetings to take place when the promoters engaged that no fault should be found with their policy. That was the real meaning of the clause; and the Amendment of the hon. Member for Northampton (Mr. Labouchere) simply provided that some specific offence should be expected to take place before a meeting was prohibited, and before the parties attending that meeting as spectators should become criminally liable for so doing. On the question, "That the Clause stand part of the Bill," he should probably be able to give the Committee reasons why persons should not be prosecuted criminally on account of things of which they were ignorant. The right hon. and learned Member for the University of Dublin (Mr. Gibson) had scarcely stated the case fairly when he said that the Amendment before the Committee proposed that persons should only be liable to prosecution for attending a meeting if it were held for an unlawful object. With submission to the right hon. and learned Gentleman, that was not so. The Amendment required that a specified offence should be charged before the Lord Lieutenant should use his power of prohibition; whereas the clause allowed him to say that he found fault with a meeting because it was likely to lead to disturbance. The Irish Executive was, of course, responsible to the House of Commons for the use made of the information at their disposal; and, therefore, before they put down a meeting, or prosecuted anyone criminally for attending it, they ought to be satisfied that some substantial offence was intended before the powers of this clause were put in motion.

Question put.

The Committee *divided*:—Ayes 67; Noes 38: Majority 29.—(Div. List, No. 138.)

[*Twelfth Night.*]

Mr. MARUM, in moving in line 15, after the word "believe," to insert "grounded upon information in writing and on oath," said, this Amendment was not opposed to the principle of the clause. He regarded it as a very important Amendment, and a very substantial one, not being simply an Amendment in form. The object of it was to secure that if meetings were prohibited by the Lord Lieutenant as dangerous, the belief of the Lord Lieutenant as to their danger must be grounded upon information in writing or upon oath. He desired to prevent liberty of speech being curtailed, except upon sworn information. It was the ordinary rule of evidence that the property or liberty of the subject should not be taken away or interfered with, except on sworn evidence; and when so enormous a power was about to be conceded to the Lord Lieutenant, it should be safeguarded by not being left to the personal view of an individual. They all knew the high personal character of the present Lord Lieutenant, who was exceedingly and deservedly popular and well known in Ireland; but, in addition to the personal character of the Lord Lieutenant, there ought to be sworn information as to the circumstances which required a meeting to be prohibited. It should not be left to the caprice of a single individual. He thought that that was not an unreasonable proposal. It ought not to be within the uncontrolled discretion of the Executive to curtail any man's liberty and privileges; and, in his opinion, the Amendment would exercise some check upon the authorities, by providing that the information as to the danger likely to result from a meeting should be given on oath. If the Amendment were accepted, he thought they would be able to go on rapidly with the remaining parts of the Bill. He and his Colleagues would do all in their power to expedite it. [*Cries of* "No!" *from the Irish Members.*] What he meant was that they would not do anything of a dilatory character to prolong the discussion. He must say that, to a certain extent, he looked upon the Bill as inevitable. No doubt, they all wished to have the provisions of the Bill properly discussed; but they would not obstruct if they were met in a conciliatory spirit as regarded the Amendments they might feel it their duty to propose.

Amendment proposed,

In page 4, line 15, after the word "believe," to insert the words "grounded upon information in writing and on oath."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, he would be glad if he could meet the views of the hon. and learned Member, who always showed a reasonable spirit; but the fact was that this very same question had been discussed at considerable length on the 1st clause of the Bill as to whether the Lord Lieutenant should exercise his discretion in regard to suspending trial by jury. The question then considered was, whether the Lord Lieutenant should act upon his own responsibility, or whether it was necessary he should have sworn information from other persons? The Government argued upon that clause that full responsibility in the matter must be left to the Lord Lieutenant, and that there should be no one else upon whom the responsibility could be thrown. It was quite plain that a dangerous meeting might be suddenly called, and that very little notice that it was going to be held might be given. Under such circumstances, there might not be sufficient time to get the sworn information to which the Amendment pointed; and, therefore, he was bound to say that the ground on which he declined to accept the Amendment was the same ground on which he had declined to accept a similar Amendment on the 1st clause.

Mr. SEXTON said, he did not know whether his hon. and learned Friend felt much honoured by the compliment which had been paid to him by the right hon. and learned Gentleman in regard to the reasonable spirit which had actuated him. He hoped his hon. and learned Friend had well considered the somewhat ardent disposition he seemed to possess to expedite the passage of the Bill. It did not seem that any desire to expedite the Bill by exercising forbearance on the part of the Irish Members would be met in a corresponding spirit by Her Majesty's Government. The right hon. and learned Gentleman the Home Secretary said, in answer to the Amendment, that the responsibility must remain with the Lord Lieutenant. It was needless to point out that the responsibility would equally remain with the Lord Lieutenant, whether he acted upon sworn information or upon hearsay evidence, or some mere whisper, or some vague letter. In any case the belief of the Lord Lieutenant would be the supreme factor. The Amendment allowed the Lord Lieutenant full and free play over every description of public meeting whatever. It did not propose to limit the criminal responsibility of holding an improper meeting, even in the case of an ignorant person who, by misadventure, might be present at such a meeting. It left this grievous blow at the rights of the subject untouched. It only sought to accomplish one single object—namely, that the Lord Lieutenant, before declaring a meeting unlawful, and exposing an innocent person to be imprisoned for six months with hard labour, should act upon sworn information. They were told by the Home Secretary that a meeting might be called suddenly, and that the Lord Lieutenant might not have time to get sworn information. Upon that point he would challenge the right hon. and learned Gentleman to sustain or verify his argument by any reference to past facts connected with Ireland. Was it a fact that these meetings were convened with haste? Was it not well known that there was always a week or a fortnight's notice of them in advance? The notices were distributed freely in the locality, and there was ample time to prepare evidence, because in Ireland the police were ubiquitous. They consisted of a large force distributed very skilfully all over the country, and nothing could take place in the humblest hamlet or the remotest nook without their knowledge. As soon as it was decided to hold a meeting the police knew when and where it was to be held, and what was the object of it. Under these circumstances, with an intelligent force pervading the whole of Ireland, and exercising a vigilant surveillance over the whole public proceedings of the country, he could not see why it should not be necessary to have a sworn information. The police, in every case, could furnish such information, and could state the grounds they had for apprehending a breach of the peace. A meeting could be prohibited for two causes—one that a breach of the peace was apprehended at the meeting itself, and another that danger was apprehended to some person who resided in the district. Those were the two grounds which would justify the Lord Lieutenant in proceeding to take action, and it would be perfectly easy for sworn information to be got, and to transmit it to Dublin Castle. If sworn information were required, two advantages would follow. One would be that the Lord Lieutenant, before prohibiting a meeting, would have before him evidence on the subject in regular form. At present the Government avoided the point, by arguing that sworn information would evade the responsibility of the Lord Lieutenant. In this objection they were acting with an ignorance remarkable in persons of their experience and ingenuity. The only effect of requiring the Lord Lieutenant to act upon sworn information would be to assure the people of Ireland that the Lord Lieutenant, before he used this drastic power, had evidence before him—that he was not prohibiting a public meeting upon the mere whisper of the informer, or the tattle of the spy, but upon a tangible statement placed before him in regular form on the sanction of an oath. The second advantage would be that if the discretion of the Lord Lieutenant was subsequently questioned, it would be open to the Irish Representatives to require the right hon. Gentleman the Chief Secretary to lay upon the Table the sworn information upon which His Excellency had acted, or, at any rate, to call upon him to do so, leaving the onus of a refusal upon the right hon. Gentleman himself. Whenever the rights of the subject were affected, or the liberties of the people abrogated, it was not only a matter of extreme importance, but of right, that there should be in the official archives a record of the reasons which had led to such an interference with liberty. That was his only reason for supporting this demand for sworn information. He had listened until he was sick of hearing of the Government acting upon their own responsibility. It was an empty and misleading phrase. In this matter the Government had no responsibility whatever. Responsibility meant liability to answer, and responsibility ceased when the Government refused to answer. It was in order to give the materials for enabling them to answer that he called upon them to act only on sworn information.

MR. DILLWYN said, he must confess that he looked upon the Amendment as a very important one, and he still entertained hopes that the Government might be induced to agree to it. The Home Secretary said it was not necessary, in matters of this kind, for the Lord Lieutenant to have sworn information, because he did not require it in cases where he suspended trial by jury. That sounded very well; but, at the same time, it must be remembered that when they suspended trial by jury they substituted another tribunal, which they considered to be quite as satisfactory. But here it was not the case of substituting one tribunal for another, but the case of constituting a new crime; and he certainly thought that before they constituted a new crime the Lord Lieutenant ought to be satisfied by sworn information before he proceeded to take action. He (Mr. Dillwyn) was, therefore, of opinion that this was a most important Amendment, and that it ought to be adopted. In the one case they substituted a new tribunal, and in the other they constituted a new crime. Everyone who recognized the importance of this distinction would, he was satisfied, support the Amendment.

Mr. BIGGAR said, he wished to call the attention of the Committee to another point in the reply of the Home Secretary, where the right hon. and learned Gentleman directed attention to the 1st clause of the Bill. Under that clause, persons who were to be put on their trial before the Special Commission constituted by the Bill must, in the first instance, have been committed for trial upon sworn evidence. First of all, a sworn information must have been laid before a magistrate, and must have been brought under the knowledge of the Attorney General, who, on reading it, would have directed a prosecution; but, in the case to which the Amendment applied, there would be no evidence of any information having been given at all. The Lord Lieutenant might, of his own mere motion, without any information at all from anybody, prohibit a meeting; and he thought it was in the interests of the Lord Lieutenant himself that the Amendment should be accepted, because, in that case, the Lord Lieutenant might be able to say—"I had no opinion whatever as to the desirability of holding this meeting; but I have been reading a statement that something unlawful is likely to take place at it, and, therefore, it is my duty to prohibit it." To supply the Lord Lieutenant with evidence of some kind would be satisfactory to this extent—that it would raise a reasonable suspicion in his mind that some disorder might take place; and, in the next place, he would be able to offer some tangible and reasonable excuse for prohibiting a public meeting. As the matter now stood, the Lord Lieutenant could offer no excuse at all, further than that someone thought it was undesirable to hold the meeting. If the Lord Lieutenant had, in writing, on sworn information, the grounds on which he founded his decision, it would be a perfect answer to any complaint made against him or the Government for suppressing a meeting; but there would be no answer at all if there was an entire absence of any writing, or of any information on oath. In such a case the responsibility would be entirely thrown upon the Lord Lieutenant, and he would have no means of defending himself. If the Lord Lieutenant had the safeguard provided by the Amendment of his hon. and learned Friend the Member for Kilkenny (Mr. Marum); if it was proposed to censure him for having prohibited a public meeting, he would be able to fall back upon the information upon which he had acted; which he would be unable to do if he acted upon hearsay evidence alone, because the person upon whose testimony the Lord Lieutenant acted would inevitably, in the event of a question being raised as to the wisdom of the discretion exercised, dispute what it was alleged he had actually said. Therefore, in the interest of the Lord Lieutenant himself, it would be much better to agree to the present Amendment; and it was also desirable, because it was not impossible that there might be sworn evidence of a dishonest character, in which case it would be the duty of the Irish Representatives to expose the transaction, and to call upon the Government to dismiss the person by whom it had been given. But, as the case now stood, there were no means of tracing who the informer was, or of testing the value of his information, or of finding out whether a meeting had been improperly prohibited. He regretted that the Government should steadfastly decline to be influenced by argument or reason; but, at the same time, it was the duty of the Irish Members to press these considerations upon their attention.

MR. O'KELLY said, he did not know whether the Government still refused to accept the Amendment of his hon. and learned Friend the Member for Kilkenny (Mr. Marum). Whenever there was a reasonable ground for interfering with a meeting, no doubt the Lord Lieutenant would receive abundant information to enable him to act. It would be in the power of the police to supply ample sworn information. It might put the Government to a small amount of additional trouble; but in a most important matter of this kind, where the liberties of the people were at stake, the Government ought not to hesitate taking trouble when it became necessary in order to base their action upon reasonable cause. If the Government acted as they would be able to act under the clause as it stood, the rights of public meeting would be at the mercy of any malicious person in Ireland; and they would see occurring, very frequently, what had already occurred in the past—namely, that some malicious person in a district would supply the Lord Lieutenant with information, which had no solid foundation whatever, and thereby deprive the people of the district of the right to hold a public meeting. He thought these were powers which the Government ought to exercise with the utmost discretion, and that they ought to surround their exercise with every possible guarantee for the liberty of the subject. If they accepted this Amendment, some slight guarantee would still remain for the right of public meeting. There would also be this further advantage—that there would be some ground available for the House by which it might be able to pass a judgment upon the action of the Lord Lieutenant. It was most important, he thought, that hon. Members should be able to challenge the action of the Irish Executive. The Irish Executive was a centralized Body, and it acted from motives which the public had great difficulty in understanding. It was desirable that the Members from Ireland should be able to challenge the Representatives of the Executive in that House to defend the action they deemed it expedient to take. If the Amendment were adopted, there would be a record on which to go, by which they would be able to pin the Government to a responsibility for everything they did.

Question put.

The Committee *divided*:—Ayes 41; Noes 59: Majority 18.—(Div. List, No. 139.)

MR. T. P. O'CONNOR said, in the absence of the hon. Member for Wexford (Mr. Healy), he begged to move the Amendment next upon the Paper. It would be evident to the Committee that the words "dangerous to the public safety" might be applied to anything that the Government found to disagree with their own views. The meaning of the Amendment was, therefore, obvious, and he trusted the right hon. and learned Gentleman the Home Secretary would be able to agree to it.

Amendment proposed, in page 4, line 16, to leave out the words "or the public safety."—(*Mr. T. P. O'Connor.*)

Question proposed, "That the words 'or the public safety' stand part of the Clause."

SIR WILLIAM HARCOURT said, he had already stated that he had followed the language of the Act of 1833. The words "public peace or the public safety" indicated what it was that the clause was intended to protect, and to omit them would be to take away the very ground on which the clause rested.

MR. HEALY said, the right hon. and learned Gentleman seemed to think there was no material difference between the state of the country at the present time, and the state of the country 50 years ago, and his argument practically amounted to this—that what was good for Ireland then was good now. It was quite clear that the clause would enable the Lord Lieutenant to stop any meeting he pleased, and he was unable to see why the clause did not end at "meeting" in line 15. To his mind, there was no reason whatever for the remaining words of the clause, and the argument that they were included in this Bill because they were in the Act of 1833 was inadmissible. Irish Members desired a statement as to the character of the meetings which the Government wished to prohibit, because he did not attach much importance to the words of qualification at the end of the clause. If he called a meeting to advocate the cutting down of rents 25 per cent, and told the tenants not to pay without that reduction, would that be considered an illegal meeting? Meetings of the kind were announced by placards, and anyone drawing up the announcement would take care to frame it so as to make it as peaceable as possible. If he intended to do an illegal act he would use no words in the placard tending to discover to the Executive the real character of the meeting. It would, therefore, be left to the opinion of the magistrates. Now, the meetings held in Ireland were generally for the purpose of considering the rent question, and hence the importance of a statement on the part of the Government. Again, the Government might have a Bill before Parliament to deal with the Land Question, for instance, and a meeting might be called to consider it. Was that the kind of meeting the Government wished to prevent? Did the Government mean that the magistrates in various parts of Ireland were to be intrusted with the grave power of suppressing public meetings? He would not then enter upon a discussion of the character of the Resident Magistrates; but he said that the men who had to do with the suppression of crime in Ireland were the last men in the world to be intrusted with the powers of the clause, because it was very well known that if a man was in a position in which he was intrusted with the maintenance of peace and order of a district, he would be likely to strain a point in what he believed to be the interest of peace and order. He would consider that the main thing was the maintenance of peace and order, and that the interest of the subject was of very little importance as compared with it. It was very easy to understand a Resident Magistrate putting down a public meeting on the mere assumption that the public peace might be disturbed if it took place. He would not say that in this matter the Lord Lieutenant's check did not amount to something, but he did say that, as the Resident Magistrates were the persons from whom the Executive Government were bound to get their information, unless some statement were made as to the kind of meetings aimed at, the power in the clause was too wide to give to any individual. Again, it was not clear whether it was intended to put down indoor as well as outdoor meetings, and he asked, if it was not the intention of the Government to suppress indoor meetings, that this should be stated in the Bill. He believed there were not more than half-a-dozen towns in Ireland in which buildings existed suitable for a meeting of 500 persons. Of course, the urban population had, comparatively speaking, not the same interest in the rent question as the rural population; and although he could understand the Government taking power to prevent meetings in rural districts, he could not see why they should be at so much trouble to prevent meetings in the cities of Dublin, Cork, or Belfast, for instance. He thought some consideration was due to the arguments advanced in favour of the Amendment, which he trusted the right hon. and learned Gentleman the Secretary to the Home Department would see his way to adopt.

Sir WILLIAM HARCOURT said, it was difficult to define the character of the meetings over which this power was to be exercised. The hon. Member for Wexford (Mr. Healy) had put the case of a meeting being called for the purpose of adversely criticizing a Bill to deal with the Irish Land Question, which the Government of the day might have before Parliament, and he had asked whether such a meeting would come within the meaning of the clause? He should say certainly it would not. With regard to the use of the words proposed to be omitted, from the hon. Member's own point of view, if he believed the power of the clause would be abused, it was really immaterial whether the words were left out or not. But Her Majesty's Government did believe that these words would be binding on the conscience of the Lord Lieutenant. Probably the hon. Member thought that the Lord Lieutenant, *ex-officio*, had no conscience; but the Government had proceeded on the opposite assumption, and believed he would be bound by the directions contained in the Act, and that he would not stop any meeting, however adverse it might be to himself or the Government, unless he were convinced that the meeting would be injurious to the public peace or the public safety. That was the reason why these words were put into the clause; and as, from the hon. Member's point of view, it was said they were of no use at all, he would suggest that the opposition to them should be withdrawn. With regard to the question as to whether the Act would apply to indoor meetings, he should say that it would so apply. It would be found in the Act of 1833 that power was given to the magistrates to enter any house, room, or other place where they had information that meetings were to be held; and the object of the Government would not be fulfilled if indoor meetings of an inflammatory kind were allowed on occasions and under circumstances likely to lead to the use of language calculated to be injurious to the public safety, because although the meeting might be of little interest in the urban district in which it was held, the report of it would be sent far and wide in the country. These were the views of Her Majesty's Government; and, although he could not hope to persuade hon Members opposite to adopt them, he had felt it his duty to state the grounds on which the Government proposed this clause of the Bill. That being so, he trusted he should not be considered to act unreasonably in declining to accept an Amendment which was inconsistent with the intention of the Government. The words "or public safety" were meant as an instruction to the Lord Lieutenant that he should read by their light the information which he might receive from the Resident Magistrates. For his own part, he believed that this object would be fulfilled, and that the Lord Lieutenant would act strictly in accordance with what he understood to be the intention of the Government.

MR. SEXTON said, the right hon. and learned Gentleman had informed the Committee that Irish Members in that part of the House were desirous that the words "public peace" should be left out of the clause as well as the words "public safety." But that was not so; the proposal was simply to leave out the words "or public safety." They all understood the meaning of the former words, but felt that in speaking of "public safety" they were entering upon the region of the vague and the mysterious. It appeared to him to be perfectly consistent with the Government intentions that this phrase, which dated from the worst period in the French Revolution, should be omitted from the clause. The right hon. and learned Gentleman desired the Committee to remember that the liberties of the people of Ireland were protected by the conscience of the Lord Lieutenant. He (Mr. Sexton) would point out that in a calculation of this kind the Lord Lieutenant's conscience was an unknown quantity, and whatever might be the estimate placed upon it by the Secretary to the Home Department, he, for one, objected to the conscience of any man being the arbiter of the liberties of Irishmen; and he invited hon. Members to consider how the English people would act and think if it were proposed to confide their liberties to the conscience of the right hon. and learned Gentleman. The hon. Member for Wexford had put a very pertinent question when he asked why the phrase "public safety," taken from the Act of 1833, was considered good enough to suit the present day? The two periods were perfectly distinct in their characteristics, and he had already pointed out that the country, in the year 1833, was in a state of insurrectionary movement, or rather in a state of inchoate civil war. The measures which it might have been well to apply to the state of things then existing were quite inadequate or inapplicable to the present. Moreover, it could not be too often pointed out that persons who attended public meetings were not under the Act of 1833, as a matter of course, thrown into gaol at the will of the Lord Lieutenant. They had an opportunity of questioning the decision of the Lord Lieutenant—they held their meetings, and after that they had the right to go before a jury. These were things which constituted a remarkable difference between the Act of 1833 and the Bill now before the Committee, and the right hon. and learned Gentleman could not be said to have touched his case until he had shown why it was reasonable that the Constitutional right of trial by jury should be left untouched in 1833, and abolished in 1882. No matter on what important point Irish Members sought to amend this Bill, their efforts were unavailing. Their object had been simply to define the powers of the Lord Lieutenant, so that the people might know under what circumstances they would come under the lash of that power; they had endeavoured to define the conditions on which the Lord Lieutenant should interfere, and to obtain some idea of the kind of information on which he would act; but on each of these points they had been met by the right hon. and learned Gentleman with a distinct refusal. The proposal that the Lord Lieutenant should prohibit public meetings when the public peace was endangered had been admitted by his hon. Friends to be reasonable and intelligible; but this expression, "public safety," was vague and indefinite in the extreme. The present clause would extend the powers of the Lord Lieutenant, which now almost amounted to omnipotence, in a sense that would require him to be acquainted, not only with the past and present, but with the future. He contended that the Amendment was a most reasonable one, and that so long as the Government could exercise their power of preventing the disturbance of the public peace, which was a very well understood thing, it was unnecessary to give them powers, under the phrase of "public safety," which would allow them to suppress all political discussions, and prevent criticism on the Party in power.

Mr. CHARLES RUSSELL said, he thought that the Amendment would not at all interfere with the object which the Government professed to have in introducing this clause into the Bill. Either the public safety was the same thing as the public peace, or it was not. If it were not so, then he thought the Government should inform the Committee what meaning they attached to the phrase, because he assumed that when the Bill passed into law they would have some definite idea of its meaning in their mind. As far as he could understand from his right hon. and learned Friend's defence of the phrase "public safety," some such language was to be found in the Act of 1833. But that was not a very apt precedent. The Act of 1833 was a very severe one; it was brought in when Lord Wellesley was Lord Lieutenant of Ireland, and two years afterwards it was obliged to be admitted that it was a total failure, inasmuch as, notwithstanding the extensive powers which it gave to the Executive, it was safer to disobey than to obey the law. Unless his right hon. and learned Friend was prepared to state the meaning which he attached to the words "public safety," it seemed to him not unreasonable that the Amendment should be accepted.

Mr. T. D. SULLIVAN said, he did not think the words were of great importance one way or another. They seemed to him to be superfluous, and it was difficult to understand why the Government were so firm in insisting upon them. The clause said—

> "The Lord Lieutenant may, from time to time, by order in writing, to be published in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety."

Now, he would like to know how a thing could be dangerous to the public safety without being dangerous to the public peace. He could not see anything in the words which the Amendment sought to strike out but mere surplusage. He could imagine an occurrence which would endanger the public safety without laying individuals or a number of persons open to the charge of having imperilled the public peace. An earthquake, for instance, might imperil the public safety very much; but he did not see how anybody in Ireland could be held accountable for the occurrence of an earthquake, even under this Act. What, then, was the use of the words? Was it not sufficient for all purposes of the Government that the Lord Lieutenant should have power to suppress meetings which he believed to be dangerous to the public peace? There was no need for him to go beyond that, nor, turning his eyes to the distant future, to form fantastic notions of possible events which might occur years hence when politics and laws had undergone very material alterations. If that were so, there was no need for the retention of these paltry words in the clause. It was a noticeable fact that whenever Irish Members on those Benches, or hon. Members opposite, proposed to leave out any words, the right hon. and learned Gentleman the Secretary to the Home Department rose at once and declared that the words in question constituted, so to speak, the gem or pearl of the measure, and that without them the rest of the Bill would be useless. That was the case with regard to the words "public safety." He never knew an individual who set such an extraordinary value on every atom of his work as did the Home Secretary, who told them the Bill would be mangled if these words were left out. The right hon. and learned Gentleman the Home Secretary was a bold legislator; but it seemed to require a great amount of hardihood to make such a contention in the face of facts.

Sir WILLIAM HARCOURT said, the hon. Member having described the words "public safety" as being paltry and little, one would have supposed he would be content to let them alone. But, for his part, he regarded them as words of importance which should be retained in the clause. The hon. Member had complained that the Government never accepted the suggestions of himself and his Friends. But he would point out that, in making those suggestions, hon. Members opposite were, so to speak, trying "to pick the plums out of the pudding;" and, under those circumstances, it was not to be wondered at that he was rather anxious to retain them. Hon. Members opposite had an aptitude to discover the exact words which, by their omission or insertion, would neutralize every section of the Bill. It had been said that the condition of Ireland in 1833 was much worse than at the present time. He wished he could think it was so. He believed the condition of Ireland was quite as bad as it was in 1833, and that it was even more liable to inflammation by dangerous language. It was this that the Government desired to guard against. As regarded the first part of the clause, it was only intended to confirm and sanction what had been done and what was being done. With regard to the second part, it was intended only to give a more summary and complete power of stopping public meetings. It must, therefore, not be supposed that now for the first time the stoppage of public meetings was suggested. As he had before pointed out, he could not hope that hon. Members opposite would agree with the view of the Government; but he had felt it his duty to state, as clearly as possible, what were the intentions of the Government, and what was the meaning of the words in question. Notwithstanding it had been said that the Lord Lieutenant would not be restrained by these words, but would stop every meeting, Her Majesty's Government believed that the Lord Lieutenant would consider himself strictly bound by them. Her Majesty's Government had deliberately included these words in the Bill, and they regarded them as proper directions to the Lord Lieutenant, that, in the exercise of his power to prohibit public meetings, he should consider what was dangerous to the public peace or the public safety.

Mr. GIVAN said, he differed from many hon. Members opposite, and he also took a different view to the right hon. and learned Gentleman who had spoken last. The Amendment was certainly a very dangerous and bitter plum for the right hon. and learned Gentleman the Home Secretary. One could understand what was dangerous to the public peace, but no human being could understand what the words "public safety" might be construed to mean. At the present time small meetings were being held in his own county, to protest against most iniquitous proceedings that had been taken on behalf of the landlords. The landlords were suing their tenants by writ, in order to obtain their arrears of rent before the Arrears Bill was passed. These meetings might, under this clause, be construed to be dangerous to the public safety of a certain class. He would ask the Home Secretary whether a meeting called to protest against iniquitous proceedings of this kind were to be suppressed because, in the opinion of a magistrate representing the Lord Lieutenant, they were meetings to protest against the exercise of a just right on the part of the landlords? As the words now stood — namely, "public peace *or* public safety"—the Lord Lieutenant might be induced to believe that even a meeting convened by tenant farmers for legitimate or legal purposes might be dangerous to the safety of a particular interest, and, therefore, ought to be suppressed. Several months ago a meeting was held in the town of Saintfield to review the proceedings of the Commissioners. The police attended, in the belief that it was intended to denounce the action of the Commissioners; but it turned out that the meeting was held for the purpose of acknowledging the benefit the Prime Minister had conferred on Ireland by the passing of the Land Act. This was one of the most dangerous powers that could be given to any Government; but as he believed every reasonable power ought to be given to the Lord Lieutenant for the suppression of crime, he would offer no opposition to His Excellency having power to suppress meetings dangerous to the public peace. He, however, thought that the words "public safety" would be liable to misconstruction.

Mr. T. P. O'CONNOR said, his hon. and learned Friend (Mr. Givan) had made a discovery rather late in the day. The hon. and learned Gentleman had spoken of some meetings just held in the North of Ireland; but he must be perfectly aware that the landlords were only exercising their legal rights, although they were making a very unjust and wicked use of their legal rights. His hon. and learned Friend must very well know that in protesting against the exercise of legal rights by landlords he was violating the 4th clause of the Act, which he (Mr. Givan) and many of his Friends supported. If such meetings as those the tenants of Monaghan held to protest against iniquities on the part of landlords were to be put down by this Act, the hon. Gentleman himself would have a very heavy responsibility on his own shoulders. The words "public safety" had a most important bearing; they entirely enlarged, and not merely enlarged, but altered, the scope and even the purpose of the clause. What was the meaning of the words? Public safety in practice meant the *status quo;* public safety bore such a meaning in the minds of those who controlled and influenced and upheld the *status quo.* The right hon. and learned Gentleman the Home Secretary was justified in objecting to that definition of public safety, because it was by breaking down the *status quo* in a country on the Continent of Europe that the right hon. and learned Gentleman and his Colleagues secured their present positions. He took it that, as a general rule, the public safety and the *status quo* were, in the eye of the existing Government, convertible terms. The Home Secretary and his Colleagues had based their Bill on the disturbed state of Ireland—on the crimes and outrages prevailing there. But the public safety was not required to include every outrage and crime committed in Ireland. Every crime and outrage committed in Ireland was a crime and outrage against the public peace. What, then, did the Home Secretary mean by keeping in the clause the words "public safety?" He meant to retain for the Lord Lieutenant the right to put down any meeting which did not suit the Vice-Regal or Party purposes of the Lord Lieutenant for the time being. If the Government wanted to put down crime and outrage, the words "public peace" were quite sufficient for their purpose; but if they wanted to interfere with the right of public meeting, if they wanted to stifle the expression of free political opinion, they required the words "public safety;" these words were required if the Government wished to have the expression of political opinion dependent upon their will and pleasure. The Home Secretary had used a new argument in favour of the Bill, for he said these words would be binding on the conscience of the Lord Lieutenant. He (Mr. T. P. O'Connor) had read of various forms of conscience in the course of his political reading. The late Lord Beaconsfield once spoke of an historic conscience; but now a new kind of conscience had been unfolded—the Vice-Regal conscience. The Vice-Royalty was a pale and shadowy reflex of Royalty, and he supposed the Vice-Regal conscience would be a shadowy reflex of the honest conscience which ought to allow a free expression of opinion. The right hon. and learned Gentleman the Home Secretary knew what he was doing by keeping in these words. He (Mr. T. P. O'Connor) had given the right hon. and learned Gentleman credit all through for knowing exactly what he meant in this Bill. The right hon. and learned Gentleman wanted to make the Bill as autocratic as he could; he did not much mind stopping crime and outrage, but wanted to put down, wherever he could, honest expression of opinion which might be inconvenient to the English Government.

Mr. DILLWYN said, one of the objections he had to the Bill was that new crime and new power should be disposed of by generalities. The hon. and learned Member for Dundalk (Mr. Charles Russell) and the hon. and learned Member for Monaghan (Mr. Givan) had challenged the Home Secretary to give a definition of public safety, but the right hon. and learned Gentleman had not yet done so. Were the words to be absolutely undefined? Were they to be construed to mean anything? He listened very attentively to the speech of the Home Secretary, but it gave him no satisfaction. He trusted they might, even yet, receive some satisfactory definition of the words.

The SOLICITOR GENERAL for IRELAND (Mr. Porter) said, it must be obvious to everybody that the Bill was not introduced for the purpose of re-enacting any existing laws. It was a Bill which was brought in to meet a special state of circumstances—a state of circumstances which every Member of the community, and particularly every Irishman, must view with the greatest regret, no matter what their opinion might be as to the remedy proposed. The Bill was intended to meet a temporary emergency, and the Bill would be temporary in its character. It proposed restrictions upon personal liberty, and this clause was one which pointed in that direction. Necessity, however, justified the interference which this clause would introduce. No one regretted more than he did the certainty, which did appear to him, that this was an absolutely necessary clause. The words proposed to be omitted were very important, and he would tell the Committee why. A meeting that was calculated to interfere with the public peace was one which the authorities should have power to put down. The words "public safety" appeared to be as important as the words "public peace." It should not be forgotten that many of the meetings which had been prohibited, and which in the interest of good government and order must necessarily be prohibited, were meetings not calculated to promote that which lawyers would call a breach of the peace. Everybody who knew anything about the state of Ireland knew that many meetings had been held, and many others had been prohibited, the intention of which was not to produce any immediate breach of the peace, and as to which meetings no conscientious man in the position of the Lord Lieutenant could certify that, in his opinion, the intention was to create a breach of the peace. As a matter of fact, the meetings were intended to promote a no less dangerous form of crime—for crime it would be when this Bill passed—he referred to "Boycotting." Numbers of meetings had been called for that purpose, and it was an opinion very prevalently held that, in order to meet the present existing state of facts, it was absolutely necessary to give the Government power to deal with these meetings. The meetings were held to denounce certain individuals, and to recommend that the denunciation should be enforced by the sanction of social exclusion. Everybody knew that a denunciation of a person acquired immense force from the attendance of a large number of people at the meeting; and it was in order to grapple with the general practice of "Boycotting"—widely extended and largely diffused—it was in order to prevent public meetings for that purpose he had described amongst others, that this clause was imperatively necessary. A good deal had been said as to the vagueness of the clause, and as to the danger of intrusting the power the clause provided to the Lord Lieutenant or to anyone. There was, of course, a certain amount of risk; but hon. Members ought to see that the interposition of the Lord Lieutenant was an interposition in favour of the liberty of the subject, and not against it. The clause was not designed to prohibit all meetings. If a meeting was prohibited the prohibition must be left to some authority. That authority could not be a legal tribunal, because it was impossible, in the first instance, to say what the character of the meeting would be. The prohibition must be left to the discretion of some person, and that discretion must be regulated, not by vague statement, but by legal principles, which must be clearly defined. His hon. and learned Friend the Member for Monaghan (Mr. Givan) had given instances of meetings, which meetings he thought would be prohibited under these words of the clause. It appeared to him (the Solicitor General for Ireland) that the words of the Bill were carefully chosen so as to prevent any interference with Constitutional liberty, and that the cases which his hon. and learned Friend had referred to were cases of meetings which would have been considered, under the Act of 1833, calculated to interfere with the due administration of the law. They were not meetings which could be thought to be dangerous to the public peace or the public safety. As he had said, the discretion must be left somewhere; and he thought that the guide which was afforded by this section, and the responsibility which the powers imposed upon the present Lord Lieutenant, or upon any Gentleman who might succeed him in his high and responsible position, would be a sufficient guarantee that the extensive powers of the Bill would not be used unless the Lord Lieutenant saw it was absolutely necessary for the public peace or public safety that they should be used. Whilst in Ireland many meetings had been prohibited, meetings which were of a perfectly Constitutional character had never been prohibited.

Mr. LALOR said, he thought the Government were guilty of want of candour in withholding from the Committee the true meaning of the clause. Up to the present the Government had not had the courage to arrest the members of the Ladies' Land League and cast them into gaol as "suspects." They had not the courage to say that the meetings of the Ladies' League were calculated to provoke a breach of the peace; but he had no doubt that, under this clause, the Lord Lieutenant would hold the meetings were dangerous to the public safety.

Mr. GILL said, it was a very curious thing that, notwithstanding the appeals of the hon. and learned Member for Dundalk (Mr. C. Russell) and other hon. Members, no Member of the Government, up to the present, had given any definition whatever of the words "public safety." The hon. and learned Gentleman the Solicitor General for Ireland had mentioned "Boycotting," and that was the only thing that he could bring forward. He (Mr. Gill) considered that that expression, "public safety," was exceedingly vague and misleading. For instance, he did not see why, under this Act, the Lord Lieutenant should not prohibit meetings which might be called to consider the maladministration of the Land Act. It might certainly be illegal to hold meetings to condemn the Land Act itself; but he did not see why meetings should be illegal if they were simply called to condemn the administration of that Act. But the Lord Lieutenant, with the political conscience that had been attributed to him, might see a danger to the public safety even in a meeting called to condemn the administration of the Land Act. There were very many meetings which might be prevented in a similar way. The Attorney General for Ireland had said that the administration of this Act would be quite different from anything that might bring these meetings before a Court of Justice. The Government had stopped, by refusing an Amendment to this Bill, anything which could make the administration resemble a Court of Justice; they had refused to assent to the proposition that the reasons for prohibiting meetings should be sent up to the Lord Lieutenant in writing and upon oath. They had already refused to admit this Amendment, which was considered a great safeguard in the administration of this clause. The things that might be held to imperil the public safety would be so numerous, according to the conscience of the person who might administer this clause, that they should certainly be defined. For instance, if the Lord Lieutenant of Ireland had a proper political conscience, similar to that of the Prime Minister or the Chancellor of the Duchy of Lancaster and many others—if there were meetings called to interfere with Free Trade, they might be prevented in Ireland. If the conscience of the Lord Lieutenant of Ireland was similar to that of many hon. Gentlemen sitting on this side of the House, he might prohibit meetings called in favour of Free Trade; in fact, there was no kind of meeting, politically speaking, that might not be prevented by the great latitude given by the words "public safety." Would the Home Secretary consent to put in the word "and," instead of "or," so that the clause would read "public peace and public safety?" That would give a certain amount of protection to free political opinion in Ireland.

Mr. W. HOLMS said, he trusted the Committee would not agree to the proposal of the hon. Member for Wexford (Mr. Healy), that they should allow meetings to be held endangering the public safety. They might safely trust the Lord Lieutenant to say whether meetings, if held, would be antagonistic to the public safety. It was true that there was nothing which the English people held more dear than liberty of speech and the liberty of the Press; but he thought the Committee might fairly trust to the Lord Lieutenant in this matter.

Mr. LEAMY said, the hon. Gentleman who had just sat down thought they—that was the English Members—might safely trust the Lord Lieutenant in Ireland to decide whether a proposed meeting was likely to be dangerous to the public safety. He would like to know whether the hon. Member would be prepared to stand up in this House and say that, under any circumstances, he was prepared to trust any man in England to decide whether a proposed meeting was likely to endanger the public safety? The hon. Member told them how jealous the English people were of the freedom of speech and of the right of public meeting, and, at the same time, he refused to support an Amendment which was only calculated, ever so slightly, to preserve to Ireland some vestige of freedom of speech. This Amendment was not open to the charge that it was one calculated to kill the clause. The Irish Members supported the Amendment only because they believed the hon. and learned Member for Monaghan (Mr. Givan) had aptly described "public safety" when he said the words conferred on the Lord Lieutenant a dubious and unlimited power. The Solicitor General for Ireland said the words had been carefully selected, so that this power should not interfere with Constitutional liberty. The hon. and learned Gentleman forgot that, at the opening of his speech, he said that this clause was one which tended to the restriction of the right of public meeting. He (Mr. Leamy) did not know what difference there was between Constitutional and public liberty.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PORTER) remarked, that he said that it interfered as little as possible with public liberty.

MR. LEAMY said, that, of course, he would accept the explanation of the hon. and learned Gentleman, but he would like to put this question to the Committee. They all had before their minds the great agitation of the last two or three years; and he would like to ask any man on the Liberal Benches whether, if the Lord Lieutenant had had power, when the Tories were in Office, to put down any meeting which he believed would be likely to be dangerous to the public safety, that agitation would not have been put down by the simple exercise of such power? He was not now going to make any charge against the Tories; but he was perfectly certain that the majority of the Irish Conservatives believed that the land agitation was hostile to the public safety, quite independently of any interest which was likely to be assailed by that agitation. He believed that the majority of Conservatives, not merely in Ireland, but in England, were firmly convinced that the land agitation was at any time during the three years—certainly when it assumed any large proportions at all—hostile to the public safety. Therefore, if this Bill had been law, a Conservative Lord Lieutenant would have put these meetings down, and would have put an end to that agitation which had assisted the present Government to pass their Land Bill, and which was encouraged by the present Government so long as it served their purposes, but which they were inclined to put down now because they thought that they could do without it. It was for these reasons that he and his hon. Friends objected to these words. Any great agitation spreading over the country—any agitation which brought large masses of the people within its ranks, and which had for its object a great reform—might, in the opinion of the Government of the day, be dangerous to the public safety. And what had they to do? They would simply have to request the Lord Lieutenant to stop every meeting of such agitation, and, if called to account, they would simply point to this clause in the Act of Parliament in justification of their action. If their action were to be called into question in the House of Commons, the Chief Secretary would say, as he said to-day—

> "If I am asked any question with reference to the discretion of the Lord Lieutenant, I shall answer the question in the most general terms."

Of course, if they gave this power to the Lord Lieutenant it was impossible for them to call his action into question. They were told, when the last Coercion Bill was going through the House, they might bring every case of arrest before the House, and they might, if they chose, discuss every arrest. When, however, they did bring cases of arrest before the House, what answer did the late Chief Secretary give them? He got up in his place and said he acted under an Act of Parliament which this House had passed; he exercised a reasonable suspicion under the Act, and that was all he had to do. If a meeting was prohibited in Ireland, and they asked a question of the Chief Secretary, what would he say? He would say that this House, after mature deliberation and by a large majority, gave to the Lord Lieutenant these exceptional powers, and that when they gave these exceptional powers they must have expected them to be exercised. Yes, and the Lord Lieutenant would exercise them with a vengeance! It was plain that the object of the Liberal Party was to put down proper agitation in Ireland; but he had no doubt that they would be sorry for the step they were now taking.

Sir HARRY VERNEY said, the great object of the Bill was to bring peace to Ireland, and he was astonished that the Irish Members did not unite with the Government in passing a measure which would assuredly conduce to the welfare of their country. For 55 years he had had in his employment between 50 and 60 Irishmen, who came every year for the hay harvest, and they had behaved remarkably well. For 55 years he had never had a complaint to make against any one of those Irish people; and at this moment there was in his house one family, some of whose members had come annually there for 85 years. It was painful to him, who had been associated with Irish people all his life, to find hon. Gentlemen opposite strenuously opposing a measure whose only object was to bring peace and tranquillity to their country, and to promote the investment of capital in that country. The lack of such investment was a matter from which Ireland greatly suffered, and anything which interfered with the public peace or public safety drove away capital. England would not invest capital in Ireland, unless the public peace there was assured, and the object of this Bill was to assure it. The opposition to this Bill was doing great injury abroad to the Irish cause, and if hon. Gentlemen opposite would only unite with the Government in passing this Act, they would find the opinion of Europe was with them. In former days he heard, over and over again, complaints made in foreign countries against the English government of Ireland; but now foreigners were beginning to find that no complaint was to be made against the conduct of the English in Ireland. They were beginning to learn that the English estates in Ireland were perfectly well managed.

The CHAIRMAN: I am afraid I must call the hon. Baronet's attention to the fact that he is going beyond the subject.

Sir HARRY VERNEY said, he was sorry if he, one of the oldest Members of the House, had for a moment transgressed. If he had done so, his only excuse could be that he had been carried away by his desire to influence, as much as he could, the welfare of Ireland. He appealed to hon. Gentlemen opposite to unite with the Government in restoring peace and tranquillity to Ireland, which was a most beautiful country, inhabited by a people full of humour, and having many good and attaching qualities. The ruffians who brought disgrace on it were not Irishmen, but Irish-Americans.

Mr. O'DONNELL assured the hon. and gallant Baronet who had just addressed the Committee, that the Irish Members fully recognized the warmth of the sympathies which he had expressed with regard to their country—and, indeed, if there was any chance of the hon. and gallant Baronet being appointed to carry out the provisions of this Bill—[Sir Harry Verney: I would have great pleasure.]—many of their objections would vanish. All he could do, in response to the hon. and gallant Baronet's appeal, was to assure him that if any English Government brought in a Bill for England anything akin to the atrocious character of this Bill, the Irish Members would be happy to unite with the hon. and gallant Baronet against it. They, however, had to deal in this matter with personages very different from the hon. and gallant Baronet; they had to deal with the regular supporters of Her Majesty's Government in Ireland, such as the hon. and learned Gentleman the Solicitor General for Ireland and the hon. Member for Paisley (Mr. W. Holms), the latter of whom, with a love of liberty worthy of Wallace, had declared that he would have no objection to leave the liberties of an entire country at the disposal of one man.

Mr. W. HOLMS said, he drew a distinction between liberty and license.

Mr. O'DONNELL: Very well. The worthy countryman of Wallace would leave it to a single person to distinguish between liberty and license. The hon. and learned Gentleman the Solicitor General for Ireland stated that it was the object of the Government, in opposing this Amendment, to restrict public liberty in Ireland as little as possible. He would like to know if it was the object of the Government to restrict public liberty in Ireland as much as possible? What better form of words could they have used than the form of words which existed in their unamended clause? The Lord Lieutenant was to have power to prohibit any meeting which he believed to be prejudicial to public safety, and the Committee were allowed no definition of what the Lord Lieutenant might consider to be prejudicial to the public safety. The formula of "public safety" was a very common one to autocrats and to Jacobins. Whether to an Irish individual tyrant, or to a committee of savage repression such as was found in the French Revolution, public safety was a common formula under which could be committed any deed of crime and terrorism. The hon. Member for Paisley (Mr. W. Holms) ingenuously chose to assume that the Irish Members were pleading for permission to hold meetings dangerous to the public safety in Ireland. The Irish Members were pleading for liberty to hold public meetings in Ireland which should not be summarily prevented at the caprice, which might be prompted by malevolence or mere ignorance, of any man who might be sent over to fill the post of Lord Lieutenant. This quibble of "public safety" received a very sufficient answer before the English Courts only a couple of days ago. There was a religious movement in England operating by great assemblies and processions, and a number of magistrates took it upon themselves to stop the gatherings of the Salvation Army on the plea of public safety; on the plea that if the meetings were permitted to be held tumults and disorder might be the consequence. Justices Field and Cave, however, pointed out that assemblies whose object was not in itself unlawful could not become unlawful or dangerous to the public safety simply because some person or persons might threaten to impede and obstruct the meetings and bring about tumults and brawls. On what ground could the Lord Lieutenant forbid a public meeting in Ireland on the plea of danger to public safety? Would he apprehend that some riot would take place at the meeting? It would be the duty of the Lord Lieutenant in that case to protect a lawful meeting against the rioters. The hon. Member for Paisley (Mr. W. Holms) said there was nothing of which Englishmen were more jealous than the right of public meeting. Emphatically he (Mr. O'Donnell) stated that it was only with regard to public meetings in England, and with regard to the liberties of Englishmen, that the English people were jealous. There was no exercise of tyrannical power in Ireland by the Lord Lieutenant which would not be supported by the English political Party to which that Lord Lieutenant belonged; and if, on the plea of public safety, the Lord Lieutenant sought, in the most brutal manner, to suppress lawful meetings in Ireland, his conduct would be treated with the same calm indifference by English public opinion which English public opinion showed when, on the plea of greater economy, English officials in India starved prisoners by hundreds in their gaols. Such a thing as sympathy with a race outside England, apart, of course, from political considerations and Party exigencies, existed only amongst a very small minority of the English people. If the Lord Lieutenant, when the clause was passed unamended, were to suppress, on the plea of public safety, every meeting called, no matter for what purpose, and if the Irish Members complained in that House of the suppression, the only answer they would receive from the Chief Secretary of the day, or from one or other Irish Officials in the House, would be that the Lord Lieutenant suppressed the meetings because, in his opinion, they were dangerous to the public safety, and the enthusiastic plaudits of the Government Party of the day would support any declaration of that description. In refusing to propose any limitation, in refusing to grant any definition which would enable the people to understand what was meant by the words "public safety," the Government simply gave a further indication of its intention to hand Ireland over to an uncontrolled and uncontrollable despotism. He did not know whether the liberators of Bulgaria had consulted any of the Turkish Pashas in this matter; but he could imagine no clause which was more worthy of Turkish domination than the present. There was no Bashi-Bazouk ever let loose in Bulgaria who did not make out that he laid waste the province out of his regard for public safety. He (Mr. O'Donnell) did not agree entirely with his hon. Friend the Member for Waterford in his denunciation of this

Bill. This clause, allowing the Lord Lieutenant to suppress meetings dangerous to the public safety, would, he was sure, only be exercised in Ireland in a number of cases in which "public safety" was, in the view of the Government, a phrase interchangeable with the phrase "safety of a Ministerial policy and Party."

Mr. MACLIVER said, it was a great pity that Irish Members would persist in misrepresenting the feelings of hon. Gentlemen on the Liberal side of the House. Whatever might be said by Irish Members as to the right of public meeting, that right was held by Liberal Members more strongly, and more firmly, and more consistently, than it ever could be held by Irish Members. Irish Members ought to remember that the clause now before the Committee was one which was demanded by the condition of Ireland. It was folly to compare the condition of Ireland with the condition of England, and to say that the same law with regard to public meeting should be observed in Ireland as was now observed in England. It was also unfair to Members on the Liberal side of the House to say that they would have no disposition to impose on any other part of the United Kingdom except Ireland the conditions with regard to public meetings that it was proposed to impose by this clause. Liberal Members would not shrink from imposing restrictions upon the right of public meetings upon any part of the Kingdom where it was shown the state of affairs was the same as in Ireland. It was also an entire misrepresentation to say that this clause and this Bill were designed to curtail the liberty of the subject in Ireland. They were intended to put down crime in Ireland, and any meetings which, in the opinion of the Lord Lieutenant, were calculated to promote crime, should be suppressed in the forcible and straightforward manner suggested by the Bill. Much as he would deprecate anything that would restrict public liberty and public meeting, he supported this clause.

Mr. REDMOND said, the hon. Gentleman who had just spoken had said this clause was demanded by the condition of Ireland. The Committee must remember they were not now discussing the whole of the Bill, but one particular clause of the Bill. The effect of this particular clause was to enlarge the powers which were already possessed by the Lord Lieutenant and by the magistrates in Ireland for curtailing, in certain cases, the right of public meeting. The hon. Member for Plymouth (Mr. Macliver), when he laid down the proposition that this clause was demanded by the condition of Ireland, should have supported his proposition by facts. The right of public meeting in Ireland was not to-day, even under the ordinary law, an absolute right. Upon information sworn by an individual, a magistrate might interfere with the right of public meeting, and the Lord Lieutenant had the power already, under the ordinary law, to interfere with meetings which might be called for the purpose of disturbing the public peace. That was a power which was now exercised by the Lord Lieutenant in very many cases. During the last two or three years it had been exercised in such a way as to lead the people to believe that the power was much too large, and, therefore, it was proper that the further enlargement of the power which was now demanded should be justified, not by general terms such as the hon. Member (Mr. Macliver) had employed, but by specific facts. Could the hon. Gentleman do that which the Government had not done—that was, prove that the powers which were already possessed in Ireland by the Crown were not sufficient to put down illegal meetings? Could the hon. Gentleman deny that meetings called for the purpose of interfering, or meetings calculated to interfere, with the public peace in Ireland, had been suppressed under the ordinary law administered by the Lord Lieutenant? If he could not deny that, upon what ground did he justify the present proposal to very largely increase the powers which, in the present state of things in Ireland, had been proved to be sufficient for their purpose? They were told that this proposal was not designed or intended to curtail public liberty in Ireland. They had not to consider what was intended by this provision, but what this provision might be capable of doing if it were carried out. The intention of the present Lord Lieutenant and of the present Chief Secretary might be very good. It was very easy to assert that these Officials had nothing but the best intentions; but he could not help remembering that the late Chief Secretary for Ireland (Mr. W. E. Forster) went to Ireland amidst the universal acknowledgment of Members on both sides of the House that his intentions were very good. The Irish knew how long the right hon. Gentleman's good intentions lasted. How long were the good intentions of Lord Spencer and the present Chief Secretary to last? It came to this, that the Committee were asked to place the power in the hands of a single individual to put down every form of public meeting in Ireland. To bring this power into operation it was not necessary there should be any evidence whatever either of illegal intent on the part of those who called the meeting, or who were about to hold the meeting, or that in the opinion of responsible persons in the locality the meeting was likely to interfere with the public safety. If an Amendment had been adopted making it necessary that before this power should be brought into play sworn information should be lodged in regard to the meetings, very much of his objection to the clause might have been removed. He objected to the clause as it now stood, because it placed an absolute power in the Lord Lieutenant, and because he refused to give absolute discretion over the liberties of a whole nation, no matter how trustworthy he might appear to be, and no matter how high-minded he might be. These were the considerations which made it necessary for him and his hon. Friends to protest against this clause. He could not help saying that he listened with feelings of very great impatience to the protestations of hon. Members on the Liberal side of the House of their desire to preserve liberty in Ireland. They told the Committee it was their desire to preserve the liberty of the subject in Ireland, and in the same breath they supported a proposal which left it at the discretion of a single man to put down every form of public meeting if he chose. The good intentions of the present Lord Lieutenant and the present Chief Secretary might not last long; but suppose those good intentions did last, how long were the present Government and the present men who ruled Ireland to continue in Office? No one could tell, and he was convinced that the hon. Member for Plymouth (Mr. Macliver) would hesitate before he placed such sweeping powers as were conferred by this Bill in the hands of a Tory Government. He begged the Committee to remember what the present powers of the law were in Ireland, and he asked them whether a tittle of evidence had been adduced to show that those powers had proved inefficient in the past? Unless that had been proved, he contended there was no justification for the proposal—a proposal which not only placed the right of public meeting in the hands of an individual, but which increased that penalty which might be imposed upon men who, as the law stood at present, might perhaps attend a meeting without knowing it had been proclaimed, and without knowing it was illegal in any shape or form. They were told they ought not to prolong the discussion upon every point of the Bill; but the contention was that in a Bill so drastic as this every step that the Government took along the path of coercion must be justified by facts and figures, and with regard to this proposal they had not attempted, in any shape or form, to justify their demand. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) cited, in palliation, he (Mr. Redmond) supposed, of the want of evidence, that in cases like these the facts were known to the country. Well, but the facts with regard to the suppression of public meetings in Ireland, the facts with regard to the failure of the powers of the law to cope with the illegal meetings in Ireland were not known to the country, and were not known to this House. There had not been any failure on the part of the ordinary law to cope with the illegal meetings in Ireland, and he challenged the Government to prove that in any individual case the present powers possessed by the Government had not been sufficient for their purpose.

THE CHAIRMAN: I must point out to the hon. Member that he is now arguing against the whole clause, and not upon the immediate Amendment before us.

MR. REDMOND said, that the Amendment before them was to leave out the words "public safety," and that was an Amendment which, to his mind, could be supported by the strongest arguments. He considered that the public safety under this Bill must in reality mean the same thing as the public peace. The hon. and learned Gentleman the Solicitor

General for Ireland told them that meetings called for the "Boycotting" of individuals, though, perhaps, no violence might take place at those meetings, and the public peace might not be broken, could not be interfered with by this Bill unless the words "public safety" were included. He (Mr. Redmond) denied that altogether. When this Bill passed, an attempt at "Boycotting" an individual would become an offence under the Act, and any meeting called to promote the "Boycotting" of any person would be a meeting called to break the public peace, and also to interfere with public safety. Every meeting called for that purpose during the last two years had been suppressed by the powers the Lord Lieutenant already possessed. Surely that was a matter which ought to engage the very serious attention of this Committee. The scope of this clause, and the intention of the Bill, were to deal with crime in Ireland—with secret crime and secret organization. The effect of interfering in any way with public meeting would undoubtedly be to promote crime and to increase the strength of secret organization. The Government said they desired to strike at secret power; and they went about suppressing public meetings. He trusted that not only upon this point, not only with reference to this particular Amendment, but that upon the whole clause, his hon. Friends would give a persistent and determined opposition.

Mr. T. A. DICKSON said, the retention of the words "public safety" was not worth the time the Committee had already spent upon it. Surely, when the Lord Lieutenant possessed such extensive powers as to prohibit any meeting which he had reason to believe would be dangerous to the public peace, he had ample power, and he (Mr. T. A. Dickson) had no doubt that the Law Officers would be able to make the words "public peace" elastic enough to cover any difficulty. He was surprised that the Government should insist upon retaining the words "public safety" when they had already in the clause the words "public peace." He hoped the Government would agree to omit the words "public safety" on the ground that they were really unnecessary.

Mr. HEALY noticed that not a single Member of the Government had as yet risen to support the retention of these words. Two or three hon. Members on the Government side rose to maintain the Government in reference to the clause as a whole; but in reference to a restricted portion of it—namely, the desirability of maintaining public safety, the Government, even amongst their own supporters, had not had a single friend. Was not that a remarkable fact? The hon. and gallant Baronet, whose words they were always happy to hear when he spoke in sympathy with them—whose words, he might say, came upon them like the shadow of a great rock in a weary land—had not a word to say as to the extended powers which would be given to the Government in regard to public safety under the Bill. He would point out, especially to Members like the hon. Member for Plymouth (Mr. Macliver), that they rather misunderstood the position of the Irish Members in reference to this matter. It had been said that if the condition of England were analogous to the condition of Ireland, hon. Members would have no hesitation in supporting the Government in bringing in a Bill for the former country; but that, he would point out, was supposing a fallacy, because it supposed that hon. Gentlemen and the Government knew as much about Ireland as they knew about England. The hon. Member to whom he was particularly referring knew nothing at all about Ireland, except what he read out of the English newspapers; and those journals, it should be remembered, got their information from a few Orange editors connected with the Irish Press. He was astonished that there were still Members to be found to get up in this House and repeat this time-worn fallacy; and he maintained that Gentlemen opposite, who at present formed Her Majesty's Ministry and their supporters, were as incompetent to legislate for Ireland as they were to legislate for Madagascar. He should like to make the position of the Irish Party, with regard to this Amendment, clear. Of course, they did not hope to pass the Amendment. They did not hope to carry any Amendment of any kind whilst the Home Secretary had the management of the Bill; but they wanted to be able to say, when crime redoubled—as undoubtedly it would—"Crime has redoubled; we told you it would." He wished to be able to point out to the Government that the arguments of the Irish Members were looked upon as stupid, and laughed at. Well, they hoped that during the three years that this Bill had to run, or when the period had passed away and they found on the Treasury Bench a Ministry somewhat more sympathetic, in consequence of what had gone before, this new Ministry would be willing to listen to them, and would say—"Your arguments were right before, and we are sorry that you were not listened to." Quite lately, a most remarkable statement had come from the Government through the mouth of the highest Official in the Irish Executive—namely, the Lord Lieutenant—to the effect that it was the intention of Her Majesty's Administration to drive public discontent in that country beneath the surface. That, he maintained, was one of the most unfortunate admissions that had ever come from the mouth of a Lord Lieutenant. Earl Cowper had told them this at Belfast, after the arrests of the "suspects," and again on leaving Dublin. This Bill would drive Irish discontent beneath the surface, because the people would find that it was too dangerous to take part in open agitation, and they would, therefore, be obliged to have resort to private agitation. If the Irish people were unable to understand the changes which had been made in the law, and in view of the fact that the Government were endeavouring to drive their discontent beneath the surface, they would, in the words of Shakespeare, "Take the law into their own hands and break it." The hon. Member for Sligo (Mr. Sexton) had asked them what was their remembrance of public safety? Surely they remembered the phrase being made use of by Robespierre and his followers, and they had not heard those words, except in Lord Grey's Act, since the famous days of 1793. He was referring to the days when men's heads were taken off by a Committee of Public Safety. But in those days, although that Committee consisted of several individuals, the right hon. and learned Gentleman the Home Secretary now proposed to leave public safety in the hands of one man. The power the right hon. and learned Gentleman was bestowing upon Officials in the Bill was far more vast than hon. Members seemed to think. The Lord Lieutenant would have power to put down a meeting, whether public or private. He would ask this. What was an assembly of people at Mass, but a public meeting; what was an assembly of people in a chapel, or a church, or a meeting-house, but a public meeting; and, under this clause, what was there to restrain the Lord Lieutenant, if he chose to do so, from preventing people attending services at meeting-houses, chapels, and churches? Under this clause, meetings of Presbyterians in the North of Ireland could be prevented; and if there should be a recurrence there of public bigotry, similar to that private bigotry which manifested itself in this country, there would be power in the hands of, perhaps, some of the strongest bigots to put down every kind of public worship in Ireland. It might be argued, for instance, that the priests, whom, by the way, *The Saturday Review* had called "surpliced ruffians," were in the habit of haranguing their congregations on political subjects at Mass. The Government had arrested several priests; and, in the interests of what they were pleased to call "public safety," they might interfere still further with these gentlemen, and put down almost all the religious observances of the people in Ireland. He was not referring in particular to the Protestant Provinces of Ireland, or the Catholic Provinces; but he maintained that wherever there was to be a meeting of the people—wherever the people assembled together, three constituting a meeting—there would be power in the hands of the Executive to suppress such meeting. It had been fallaciously argued that the Government already possessed that power. In one sense, no doubt, it was true that the police had had the power of dispersing meetings at the point of the bayonet, or by the use of a few buckshot; but it was not the fact that the Lord Lieutenant, for the purposes of public safety, had had the power of putting down all manner of public meetings in Ireland. He would call attention to the fact that any action bringing a person under this Bill would be punished by six months' imprisonment. If a man took part in a public meeting, six months' imprisonment; if he took part in a riot, six months' imprisonment; if he took forcible possession, six months' imprisonment; if he ran a newspaper against the wishes of the Government, six months' imprisonment; strike high, or strike low, the punishment was the same—six months' imprisonment. He would appeal to the Government whether it was really necessary to maintain this extravagant provision in their measure? Not a single Member on the Government side of the House had risen to support it, except the Home Secretary and the Solicitor General; and beyond theirs, not a single argument in its favour had been used. No doubt, the Government had many willing assistants, and that many hon. Members would support them on their side of the House. Whatever the Government did there were many hon. Members who would throw up their hats and cry—"Well done!" But there were none of them ready to get up and defend, by their speeches, the retention of the words "public safety" in the Bill. The Home Secretary had made many trips in his operations recently. He had prosecuted members of the Salvation Army, and, by an extraordinary misapplication of the law, he had attempted to make them give security for the maintenance of the peace. He had failed in his endeavour, and why? Because he should have attempted, not to make them give security against breaches of the peace, but to give security for good behaviour. In this Bill, in a similar manner, the right hon. and learned Gentleman had mixed up security for the peace and security for public safety. If he had prosecuted the Salvation Army with the object of getting them to give security for good behaviour, no doubt he would have been successful; but he had mixed up the two things just as he was mixing up two things in this measure. He (Mr. Healy) would invite the right hon. and learned Gentleman, if he could not accede to the Amendment they were now discussing, at any rate, to agree to omit from the clause the word "or," and insert the word "and." That was to say, the clause, instead of running thus—

> "The Lord Lieutenant may from time to time," &c., "prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety,"

should run—

> "Prohibit any meeting which he has reason to believe to be dangerous to the public peace and the public safety."

He had no objection to the concurrence of the two words "peace" and "safety;" but he did object to the clause as it stood. This latter point was not a very large one, but he thought it was worthy of consideration.

Mr. BYRNE said, he begged to support the Amendment. This seemed to some Members of the Committee to be a very small matter. The Amendment only consisted of four words; but he ventured to say that there were no words in the Bill so strong as these. Like a great many other clauses, this one was drawn in a very elastic, and, it did not seem to him, a proper manner. The Lord Lieutenant would have power to prohibit any meeting he had reason to believe would be dangerous to the public peace; and one would think that such a power as that would be quite sufficient without going into the question of public safety. What did "public safety" mean? The Government pretended that they only asked for power to prevent crime, and further powers to enable them to govern Ireland in such a manner as to preserve the public peace. Well, if the Committee granted all these things to punish for what had been committed in the past, and regulate what was to be done in the future, he did not see why it could not be done without going into this question of the public safety. Looking at the present condition of Ireland, they could not fail to see that there was a great deal of meaning in this clause. As he read it, it meant nothing less than this—that for the future no section of Her Majesty's subjects in Ireland should have the power of holding a meeting for any purpose, particularly if its object was in any way connected with politics, or the rights and extended privileges of the people. He ventured to say that, under this clause, the Lord Lieutenant would be able to put down any agitation whatever, whether it were for Home Rule or connected with the Land Question, whether it had reference to an extension of the fisheries or the construction of piers, the improvement of harbours or the extension of the franchise. Meetings in connection with all these subjects it would be in the power of the Lord Lieutenant to put a stop to. Such a power, he contended, was too much to give to an Executive officer of a Constitutional Government. If they looked back at the seed sown by the landlords, if they looked to the history of the country, and traced the circumstances which had led to its present condition, they would see great reason why they ought not to draw the knot too tight for fear of snapping the rope. It had already been pointed out by an hon. Member that the men who were evicted from their homes were now hungry men and dangerous men. The hon. Member for Galway had said that if he had been turned out of his holding, with his wife and children, on the roadside, and had been obliged to look on while those depending on him sickened and died, the chances were that he, too, would become a dangerous man. Well, with so many evictions, and so many hungry and dangerous men in Ireland, he ventured to say that this clause, passing as it was without amendment, would be in the future pregnant, not of good government and peace, but of that which would lead to the suppression of public meetings for any purpose whatever in Ireland.

Question put.

The Committee *divided*:—Ayes 154; Noes 56: Majority 98.—(Div. List, No. 140.)

MR. HEALY said, there existed on the other side of the House, as the division had shown, a strong opinion against this unrestrained interference with the right of public meeting on the part of the Lord Lieutenant. What he would propose, therefore, was this—that they should insert this Proviso—

> "Provided, That this section shall not apply in the case of any meeting to promote or oppose the candidature of any person seeking election as a Member of the House of Commons or of any other representative body."

It appeared to him that this was an Amendment which every Member of the House ought to support. It proposed merely that the power of the Lord Lieutenant should be restrained so far as meetings for *bonâ fide* electoral purposes were concerned. It was well known that at certain periods meetings were obliged to be held for electoral purposes, and that "Boycotting" meetings, and meetings with the object of inducing landlords to reduce their rents, could not be held under cover of electoral objects. Her Majesty's Government surely would not be afraid to adopt a system that was practised in France. In that country these public meetings at electoral periods took place without hindrance. There was likely to be an election in Mallow in a very short time, as it was probable that the Attorney General for Ireland would be going where "Obstruction ceased from troubling and the weary were at rest." Before the right hon. and learned Gentleman came into the enjoyment of his dignified repose, he (Mr. Healy) wished to make provision for the unrestrained right of public meeting during the contest which would ensue upon his retirement.

Amendment proposed,

> In page 4, line 16, after "safety," insert—"Provided, That this section shall not apply in the case of any meeting to promote or oppose the candidature of any person seeking election as a Member of the House of Commons or of any other representative body."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, that he entirely agreed with the principle of the Amendment; but he could not accept it in exactly the terms in which it was offered. If the hon. Member would agree to a modification of the clause, so as to make his object clearer, he (Sir William Harcourt) would be very glad to see whether words could not be devised to carry out the object in view.

MR. HEALY said, he should be very happy, under those circumstances, to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

MR. HEALY said, the next Amendment he had to propose was to insert the sub-section—

> "A copy of such order shall be forthwith served in the prescribed manner on the promoters of such meeting, if known."

Amendment proposed,

> In page 4, line 16, after "safety," insert the following sub-section:—"A copy of such order shall be forthwith served in the prescribed manner on the promoters of such meeting, if known."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, he had no objection to this Amendment; but he should prefer that the words "if possible" should be inserted after the word "manner."

Mr. HEALY said, he should be willing to accept the right hon. and learned Gentleman's proposal if his Amendment were agreed to.

Amendment, as amended, *agreed to.*

Mr. DILLON said, that, in the absence of the hon. Member for Dungarvan (Mr. O'Donnell), he begged to move the sub-section to provide that threats, or alleged threats, on the part of any persons whatever, to interrupt with violence a public meeting should not be a reason for the prohibition of such meeting. He hoped the Government would be able to accept the Amendment, which would cover a class of cases which were of considerable importance to the Irish Members. It was well known that a great many cases had occurred, especially in the Province of Ulster, where attempts had been made by the landlords to prevent those interested in the affairs of the tenantry from holding meetings to agitate for an amelioration of their condition. The landlords and their agents had circulated statements to the effect that they would forcibly interfere with such meetings or demonstrations, and the Government in consequence had felt themselves bound to send a sufficient force into these districts to secure peace and prohibit meetings, in the interests, of course, of one party—the landlord party. In the future, if meetings were to be prohibited in consequence of threats to the effect that the opposite party would interfere with a meeting of tenants, no meetings would be held. In the North of Ireland, when the Orange Party had chosen to hold meetings, they had not been interfered with by the Land League; but, on the other hand, the Orange Party had very frequently published notices and placards, calling on their friends to attack the meetings of the Land League or of the tenantry, and drive those who took part in them from the field. Of course, as a matter of fact, while, in spite of these placards and threatening notices, the meetings were held, in not a single instance had the persons who had threatened put in an appearance. Their announced intention had been to drive the holders of the meetings like dogs across the Boyne, but they had never done so; they had ben afraid. In many instances, however, their threats had been communicated to Dublin Castle, whence, the belief being entertained that there was danger of a breach of the peace, instructions were issued to the police to suppress the meetings. He only mentioned these points to show the Government that this Amendment had been drawn up in no spirit of Obstruction, but that it was a serious Amendment, and that unless it was adopted the issue of threatening notices would be an absolute prohibition of all meetings that were not Orange meetings North of the Boyne.

Amendment proposed,

In page 4, line 16, after "safety," insert "Provided always, That threats, or alleged threats, on the part of any persons whatever, to interrupt with violence a public meeting, shall not be a reason for the prohibition of such a meeting."—(*Mr. Dillon.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, everyone knew that rival meetings were the cause of considerable disturbance in Ireland, and to accept this Amendment would be to tie the hands of the Lord Lieutenant.

Mr. SEXTON said, he thought the objection of the right hon. and learned Gentleman scarcely met the case put by his hon. Friend. The right hon. and learned Gentleman stated that there were rival factions in Ireland, and that, where meetings were held by these rival factions, there was a great prospect of a breach of the peace being committed. Probably, then, it was desirable that meetings, where these factions existed, should be protected; but, as a rule, it was not the case, where meetings in the interests of the tenant farmers were held, that the opposite party was a party of any appreciable strength; and what his hon. Friend desired was that the mere announcement by a person that there would be a disturbance should not be sufficient to induce the Lord Lieutenant to suppress a meeting. Any landlord, or agent, or bailiff, or hanger-on about these people—and he need not inform the Committee that there were many hangers-on who were only too ready to make mischief—would be able, without difficulty, to put a stop to a meeting which might be objectionable to him by simply writing to the authorities to say that there was likely to be a disturbance, or by posting up a placard to the same effect. Or a bailiff or a hanger-on could publish an advertisement in an Orange paper threatening to interfere with the meeting, and that would be decided by the authorities to be evidence that there was danger of a breach of the peace. The Lord Lieutenant should use his discretion, and have power to refuse to put a stop to a meeting unless he thought sufficient reason had been shown for such a course. He (Mr. Sexton) did not mean to say that where there really were two serious rival factious meetings they should be allowed to take place; but where there were not two great factions, where only one individual, or a small group of individuals, objected to the course about to be taken by the majority, he did not think that any announcement or threat of theirs should be allowed by the Lord Lieutenant to interfere with the holding and peaceable conduct of a meeting or demonstration.

MR. DILLON said, it was not true, as the Home Secretary had stated, that if this Amendment were passed the hands of the Lord Lieutenant would be tied. That functionary was entitled, at the present moment, to prohibit meetings where he had reason to believe they would be dangerous to the public peace. He (Mr. Dillon) would mention a case, with all the circumstances of which he was acquainted, which would show how easy it would be, unless there were some proper safeguards adopted, for a single individual, or a small clique, to put a a stop to a legitimate meeting. A meeting had been convened in favour of the Land League at a place in County Fermanagh. The local landlord was strongly opposed to this meeting, and the local Orange Lodge put up a notice to the effect that they would drive those who intended to hold the meeting like dogs out of the district. Well, the magistrates of the place dined with the landlord, and on the occasion of this social meeting had informations sworn before them that there was likely to be a disturbance if the Land League meeting were held. It had since been discovered that the men who swore the informations were immediately under the influence of this local landlord. The whole thing was concocted at the landlord's table; information was sent up to Dublin Castle, with the result that the Lord Lieutenant prohibited the meeting. An enormous number of people came into the town, and it was with the utmost difficulty that the leaders of the popular Party prevented a collision taking place between the soldiery and the people. All the people were with the Land League, and the only danger of a disturbance arose from the fact that, acting upon these sworn informations, a military force was sent down from Enniskillen. So general was the opinion in favour of the meeting that no Orangeman would have dared to interfere with it. What was desired on this occasion was that the Lord Lieutenant should not accept the posting of threatening placards by single individuals as an evidence that there was likely to be a disturbance in the district. The Lord Lieutenant should not act upon entirely baseless rumours, but should inquire into the matter, and satisfy himself that there was real danger of a breach of the peace. Where there was a powerful faction opposed to a very small minority he should not be persuaded that there was likely to be any danger.

SIR WILLIAM HARCOURT said, he did not think the words of the Amendment would exactly do. What he understood to be the desire was, that a meeting which would not be stopped by the Lord Lieutenant under the former words should not be stopped through a device of the kind suggested by hon. Members. He quite agreed that this kind of thing ought not to be allowed to take place, and he would therefore undertake to introduce into the Bill words calculated to render the success of such a device impossible.

Amendment, by leave, *withdrawn.*

MR. SEXTON said, he proposed to insert, at the end of the first paragraph, this Proviso—

> "Provided, however, that the Lord Lieutenant shall not issue such order unless by and with the advice of the Privy Council in Ireland."

One of the things he objected to most strenuously in the whole Bill was this clause, and the unrestricted nature of the personal and despotic power that the Lord Lieutenant would possess under it. This was a fair specimen of the kind of power that was to be found in the Bill. The Lord Lieutenant, of his own motion, might say what class of meeting was to be prohibited, and for what reason it was to be prohibited, and might act upon the merest hint or whisper that he received. There was nothing to guide them as to the manner in which the Lord Lieutenant would exercise his powers. On looking through the Bill he found there were occasions upon which the Lord Lieutenant would be bound to consult the Privy Council of Ireland—when, for instance, he proposed to proclaim a district. On such an occasion he would be bound to consult the Privy Council, and without doing so he would not be allowed to proclaim a district. He (Mr. Sexton) further found, on reference to Clause 25, that the Lord Lieutenant might, from time to time, by and with the advice of the Privy Council, make, and when made revoke, add to, and alter rules in relation to certain matters which were stated in the Bill. He (Mr. Sexton) was at a loss to see why the Lord Lieutenant should be released from a similar obligation in reference to such an important matter as the prohibition of a public meeting. He did not for a moment conceal the fact that he had no admiration whatever for the Privy Council of Ireland. He thought it was about the worst constituted body to take part in the government of a country of any body in the world. It consisted of the heads of the Military Profession, the Judges, and persons in the pay of the Crown, who had no sympathy whatever with the people of Ireland; who, in fact, had gained their position by desertion of the popular cause, and who now hated that cause with all the hatred of renegades. But so much did he feel that unrestricted power of this kind was bad for the people who exercised it, and bad for the people over whom it was exercised, that he would rather amend the Bill by requiring the Lord Lieutenant to have the concurrence of the Privy Council, than leave the powers of the section solely in the hands of the Lord Lieutenant.

Amendment proposed,

In page 4, line 16, at the end of the foregoing Amendment, to insert the words "Provided however, That the Lord Lieutenant shall not issue such order unless by and with the advice of the Privy Council in Ireland."—(*Mr. Sexton.*)

Question proposed, "That those words be there inserted."

Mr. T. A. DICKSON said, he should oppose the Amendment, as he did not think the Lord Lieutenant should be allowed to shelter himself behind the Privy Council. He would rather leave the power solely with the Lord Lieutenant.

Sir WILLIAM HARCOURT said, he thought they had discussed this matter somewhat fully upon Clause 1. With regard to the Lord Lieutenant's right of suspending trial by jury, it had been suggested that the responsibility should rest upon various other bodies, under cover of the Privy Council; but the House had come most decidedly to the determination that in a matter of such grave importance the responsibility of the Lord Lieutenant ought to be undivided. As had been already stated, the Government, as a whole, were responsible for the action of the Lord Lieutenant, and he and the Government could be called to account by Parliament. It was far better, therefore, that the responsibility of the Lord Lieutenant should be undivided.

Mr. P. MARTIN said, he thought they ought to be consistent in this matter. He must confess that he had never seen a greater mass of inconsistency than was to be found in this Bill. In the proclamation of a district, and in the subsequent clauses, the Lord Lieutenant was required to seek the aid of the Privy Council. Here, however, it was sought to vest in him undivided responsibility. He (Mr. P. Martin) agreed with the hon. Member for Sligo (Mr. Sexton) that though the Irish Privy Council was, as at present constituted, a body which certainly demanded sweeping reformation, yet there was this reason for its introduction in the section—that it preserved some semblance, at least, of that which the present Government apparently sought to ignore—namely, the right of Irishmen in some way to intervene and have some voice in the conduct of their own affairs. As an Irishman, he desired Irishmen to have a voice in the management of their own affairs. So long as they had a voice in the management of their own affairs the better would those affairs be managed; and he did contend, although he had not a very high opinion of the Irish Privy Council, that, for the sake of giving Irishmen some voice in a matter of this description, he should feel himself compelled to vote for the Amendment of the hon. Member for Sligo (Mr. Sexton) if it were pressed to a division.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PORTER) said, there was a distinction to be drawn between the functions to be performed by the Lord Lieutenant under the present section, and those under the section dealing with the proclaiming of a district. Under the present clause, the suppression of a meeting would be an Executive act; whereas the proclaiming of a district was a matter of general policy, and did not affect any individual case—it applied to a whole district. It had always been the case, in matters of this kind, that where large districts were concerned the Privy Council should be appealed to; but that where the action to be taken was of a less general character the Lord Lieutenant should act upon his own responsibility. It might be right or it might be wrong to have this clause in the Bill; but if the Bill was to have any practical utility at all, it would be impossible to accept such Amendments as this. If it were accepted, there would not be time between the receipt of the information that the meeting was about to be held, and the time at which that assembly would take place, to summon the Privy Council and hold a meeting. These meetings in the country districts were held under such circumstances that very often the Executive knew nothing about them until the night before they were to be held. It was thoroughly idle, therefore, to say that the Lord Lieutenant should consider the information he received, and call together the Privy Council in time to be able to take action, if action were necessary. It was said that this was a mere matter of form, this summoning of the Privy Council; and, whether it was or not, in a great many cases it would be utterly impossible for the Privy Council to be summoned, and after a consultation to take action, until the meeting it was called to consider was all over.

SIR PATRICK O'BRIEN said, he would remind the Committee that in 1843, in the case of the proclaiming of the famous Clontarf meeting in Dublin, what occurred was this. It was believed that the meeting was likely to be a dangerous one, and the hurried arrangement which the Solicitor General for Ireland had referred to was made at once. The Privy Council were summoned, and, unless he was very much mistaken, the famous proclamation to put a stop to this meeting was issued only the night before the day upon which 50,000 or 60,000 people were expected to assemble. Every possible care was taken to prevent a collision between the military and the people. The hon. Member (Mr. P. Martin) had referred to the constitution of the Privy Council; and, as he had done so, it was but right that he (Sir Patrick O'Brien) should make him a present of this one remark. On the occasion when the Privy Council met to proclaim the Clontarf meeting, the only person who opposed its being proclaimed was an official of the Government, none other than Sir Edward Blakeley. He it was who, in advance of all the other members of the Privy Council, desired to preserve the liberty of the people.

MR. JUSTIN M'CARTHY said, the Solicitor General for Ireland had misled the Committee, although, no doubt, unintentionally. It was not necessary for the Lord Lieutenant to consult the Privy Council in the case of proclaiming a meeting when it was thought likely to be dangerous. Under such circumstances a meeting could be proclaimed at any moment. The Lord Lieutenant could proclaim a meeting without the consent of the Privy Council, and anyone who attended that meeting would be liable to imprisonment.

MR. T. P. O'CONNOR said, he did not want to misrepresent the argument of the hon. and learned Gentleman the Solicitor General for Ireland, and the Committee would see whether he had rightly understood him or not. He took it that his objection to giving the Privy Council the right of consulting with the Lord Lieutenant before a meeting was proclaimed was because information of a meeting that was likely to be dangerous might only be received on the eve of that meeting, and that there would, therefore, not be time to call the Privy Council together. Was that a fair representation of the argument of the hon. and learned Gentleman? ["Yes!"] He might take it that that was the case. He was astonished, then, that the hon. and learned Gentleman, who was a barrister of many years' practice, and who had achieved great success, had endeavoured to make use of such an argument, which showed the real meaning of the whole clause. The Lord Lieutenant, it was said, might only hear of a meeting on the eve of that meeting, and His Excelency would issue his proclamation, therefore, almost simultaneously with his receipt of information. He (Mr. T. P. O'Connor) would recall this argument to the attention of the Government when they came to the next portion of the clause.

Sir JOSEPH M'KENNA said, the objection that there would not be time to call the Privy Council together appeared to him to be one without the slightest force. The members of the Privy Council, or rather a large number of them, resided quite close to Dublin, and their services, if they were required, could be availed of almost immediately. In the case of the Clontarf meeting, which was to have been held on the Sunday, six hours before the day on which the people were expected to assemble—because he believed it was not until 6 o'clock on the Saturday night that the decision was arrived at—the proclamation was issued. It had been pointed out that by leaving out all reference to the Privy Council in this clause, they left the Lord Lieutenant with an undivided responsibility, and rendered that official and the Government responsible to the House. But what was the value of that responsibility, when the Irish Members, and those who supported the popular Party in Ireland, were only a very small minority in the House? Surely, it was known very well that whatever was done by the Lord Lieutenant, or by the Government, if called in question in Parliament, would be fiatted by the large majority of Members. What the Irish Members wanted to do, and all that it was in their power to do, was to have such safeguards put into the Bill as they thought necessary at the time of the passing of the measure. So far as the responsibility of the Government was concerned, all it ever came to was a badgering for some time by half-a-dozen Members, who had no weight, and whose utterances had no effect upon Parliament. It did no good to badger the Lord Lieutenant or the Government; but, as it was quite conformable with ordinary legislation of this kind to fetter the Lord Lieutenant with the necessity of appealing to the Privy Council, he trusted this Amendment, to safeguard the interests of those who wished to hold public meetings, would be accepted.

Mr. SHEIL said, it seemed to him that the hon. and learned Solicitor General for Ireland had argued in such a way as to entirely upset the arguments of the Home Secretary. The Solicitor General's argument was that the Privy Council could not be summoned because there would be no time to do it. Then they might take it that at the very last moment a telegram must be received from some police official, or some private individual, saying that a certain meeting was to be held and that the peace was likely to be broken, and that then, on his own responsibility, the Lord Lieutenant was to say whether or not that meeting should be allowed to take place. Surely such a thing was impossible. It stood to reason, what the Irish Members argued over and over again on this and other parts of the Bill, that the responsibility the Government intended to take upon themselves, or throw upon the Lord Lieutenant, would be necessarily relegated by him to other individuals, for whom he could not be in a position to answer, and with whom he could have had no conference. Suppose a meeting was to be held on Sunday, and the Lord Lieutenant only received notice of it on Saturday night, how could he come to a conclusion? He could only do so upon information that he received that the meeting ought to be suspended. On that recommendation he would suspend the meeting. Surely this was not on his own responsibility. He (Mr. Sheil) denied any such statement. If the Lord Lieutenant really did act upon his own responsibility, he should not so much object to the Bill, particularly in the hands of the noble Lord who at present filled the position of Viceroy; but they had argued it over and over again, and now once more they had to repeat the argument, and to remind the Committee that it was not the Lord Lieutenant who was responsible. The people who really would be responsible, and were responsible, were people whom Parliament would never be able to bring to book. Parliament knew nothing of them. He would point out to the Government that most of the objections to the clauses in this Bill were on the score of this responsibility. The Government said the Lord Lieutenant would be responsible; but that was really not so, because this high official received his information from parties all over Ireland who were in a position far beneath him, and of whom he knew very little.

MR. T. D. SULLIVAN said, that, whenever any doubt arose as to any clause of this Bill, the Irish Members claimed the benefit of the doubt for liberty, while the Government claimed the benefit of the doubt for tyranny; and, unhappily, the majority of the Committee seemed inclined to go with the Government in every case. It was, no doubt, pleasant for hon. Gentlemen to be saved the trouble of making up their own minds, and to leave two or three Gentlemen on the Treasury Bench to perform that duty for them. His hon. Friend had said that, according to the showing of the Attorney General himself, the Lord Lieutenant claimed to act in the matter on the spur of the moment. He could not have time to consider. The Bill was intended not to give him time to make any inquiry into the truth of allegations in telegrams that might be sent to him. Some fine evening a telegram might be sent to him stating that on the following morning a meeting was to be held in some part of the country which would constitute a great peril to the public peace and public safety. Not a moment's time was given to the Lord Lieutenant to reflect or inquire whether the information was well-founded; but he was forthwith to take action upon it. Suppose the Lord Lieutenant was easily alarmed, as such people had been from time to time, then, of course, in the working of this measure a good deal would depend upon the personal character and temper of the Lord Lieutenant for the time being. A story was told of a Lord Lieutenant, a good many years ago, who was persecuted with alarming reports by a class of eople in Ireland who found it their interest to work upon his fears, and who were then, as now, the opponents of freedom and public liberty in Ireland. They continually poured letters into the Lord Lieutenant's hands giving accounts of terrible affairs about to happen throughout the country. One morning, one of these gentlemen rushed hastily into the Lord Lieutenant's bedroom, and exclaimed—"Oh! my Lord, the people of Dublin are all about to rise!" His Excellency was a man of some discretion and judgment, and his reply was, that he thought it was about time for everybody to rise. But there might be a Lord Lieutenant of very much less firmness of character than that gentleman, and one who might, on similar information, take the very opposite course, by telegraphing orders to prevent public meetings from taking place. Such things were possible, and Irish Members felt perfectly certain that under this measure such things would occur from time to time; therefore, it was not too much to ask that the Lord Lieutenant should be required to consult either his Privy Council or some other body upon the necessity for taking action before acting upon alarming and probably absurd announcements made by frightened or ill-meaning individuals. For these reasons, he supported the Amendment, as he thought every lover of liberty ought to do.

Question put.

The Committee *divided*:—Ayes 41; Noes 213: Majority 172.—(Div. List, No. 141.)

MR. PARNELL proposed an Amendment, which he hoped the Government would agree to accept—namely, in line 16, after "safety," to insert—

"Provided, That in case of meetings for lawful objects summoned by handbill, placard, or other public advertisement, and whereof six days' notice has been given, the Lord Lieutenant shall give by similar notice in the district at least three clear days' notice of such prohibition."

The object of that Amendment was to provide that where six days' notice was given of a meeting, the Lord Lieutenant should give a notice of half that period, warning people not to attend the meeting. The reasonable character of that Amendment was apparent on the face of it, because, if suitable notice was not given to people in any locality where a meeting was summoned to be held, many of the people who lived perhaps 10 miles or 15 miles from the place of meeting would attend without any knowledge that the meeting had been prohibited, and that they had rendered themselves liable to imprisonment for six months with hard labour. The way in which this clause was drafted illustrated the sweeping character of the whole Bill. There was not the slightest safeguard against persons being swept into one wide net and sentenced to imprisonment; and it would appear as if the promoters of the Bill desired to envelop the Government in Ireland in a suit of armour in which there should not be the slightest possible chink, and, at the same time, to provide the Government with a weapon of such a character as would enable them to strike down every form of Constitutional agitation. There was not the slightest safeguard provided for the liberties and rights of the subject in any part of the Bill, just as there was a similar absence of any proviso or safeguard in this clause; and one of the reasons why it was so necessary to insist on drawing attention to this matter was that these clauses were all, one after the other, characterized by that utter want of any sort of consideration for Constitutional rights in Ireland. Nothing was thought of except the desire to arm the Crown in a way in which it had never been armed before in any Constitutionally-governed country, and to take away every right, liberty, and safeguard in respect to the exercise of Constitutional privileges. He hoped the Government, by according a different reception to this Amendment to that given to others, would show that they were sensible of the necessity of altering the character of this clause, at least to this extent.

Question proposed, "That those words be there inserted."

Mr. TREVELYAN said, that, in a matter in which prompt action might be a primary object, it was equally important that the Government should not be bound by conditions of time; but by this Amendment the Government would be strictly bound, while it by no means followed that the promoters of a meeting would also be strictly bound. The Government would be absolutely bound to three days; but it might very well be that a handbill, or other notice of a meeting, might be posted at a place of which the Government might have no cognizance, or the handbills might be passed on from hand to hand, and not posted; and he thought it extremely likely that even when a notice was posted it might not come to the knowledge of the Government within the three days laid down. Though the Government were not willing to accept this Amendment, or the Amendment of the hon. Member for Sligo (Mr. Sexton), which was also on the Paper, still they did not wish to take anybody by surprise, or to betray anyone into finding himself in opposition to the law without being fully aware of it. The provision which the Government preferred provided that these meetings should be conducted with due formality and publicity, and that was practically the Amendment of the hon. and learned Member for Kilkenny (Mr. P. Martin), which was lower down on the Paper. That Amendment, with hardly any alteration, the Government would be willing to accept. They had already accepted the Amendment, providing that a copy of any order of prohibition should be served on the promoters of the meeting, and they thought if they accepted these two Amendments all the conditions of publicity would be met.

Mr. PARNELL said, he was sorry that the Chief Secretary had not met his objection, or the necessity for pressing his Amendment. The right hon. Gentleman said the Government might not receive notice of a meeting until the time for prohibition had elapsed. All he could say was, that that was a question of detail, and his object was to secure for the people of a district notice of the prohibition before they arrived at the place of meeting. He thought that a reasonable requirement; but if the Government wished to provide that a copy of a notice convening a meeting should be served at the nearest police station to the place of meeting, he would be willing to introduce such a Proviso. If the right hon. Gentleman thought six days' notice was too short a time, and that the three days might elapse before the Lord Lieutenant or the authorities in Dublin could receive information of an intended meeting and its character, then let the time be extended, say, to 10 days. The principle of the Amendment, however, he must insist upon—namely, that the people of a district should have public notice beforehand, for a reasonable time, that the Lord Lieutenant had prohibited the meeting in question. As to the provision of the hon. and learned Member for Kilkenny—namely, that two magistrates should attend at the meeting, that was reasonable in its way; but it did not attain the object he wished to attain—the object which the Chief Secretary had admitted to be a reasonable one; and he trusted the right hon. Gentleman would reconsider the matter, and agree to the principle of the Amendment, although the terms might be altered.

The ATTORNEY GENERAL (Sir Henry James) said, when the Government agreed to serve notice of prohibition on the promoters of a meeting, they supposed that that would be a sufficient notice through the promoters; but there was another objection to this Amendment. The Amendment proposed that the Government should have no power to prohibit a meeting unless they did so three days before the day of the meeting. Suppose the Government did not learn the dangerous nature of a meeting until two days before the day, they would not be able to prohibit the meeting, although they then knew the dangerous character of it.

MR. MARUM said, that the notices of meetings were usually made to the people on Sunday by means of placards posted at the chapels in the district. Some time ago a meeting was announced in his own county, and, although the meeting had been notified for 10 days, the proclamation did not arrive until the evening of the Friday before the meeting was to be held. The time was so short that it was almost impossible to countermand the meeting. However, on receipt of a telegram, he went to the meeting, and with great difficulty stopped it. It was not an unreasonable proposal to make that where a meeting was convened to take place, where it would be difficult to countermand it, that every facility should be given for the purpose of stopping it.

MR. REDMOND said, he did not think the argument of the Attorney General (Sir Henry James) against the adoption of the Amendment of the hon. Member for the City of Cork would bear a moment's examination. The hon. and learned Gentleman said that the Government might not, if the Amendment were adopted, receive notice of the dangerous character of a meeting until it was too late to prohibit it. But suppose the dangerous character of the meeting was only made known to the Lord Lieutenant within the three days specified in the Amendment, he would still have power to stop the meeting. The difficulty was that, if the Bill were passed in its present form, the Government would be able to give six months' imprisonment to anyone who attended the meeting, although he might have had no notice whatever that it had been proclaimed. Irish Members stood on that point. They said, unless sufficient notice was given to the people that the meeting was prohibited, the Government had no right to punish them with six months' imprisonment for attending.

MR. SEXTON said, the case suggested by the Attorney General (Sir Henry James) was one which could scarcely ever arise. He had often seen placards giving two months' notice in advance of meetings to be held, and they almost invariably gave a fortnight's notice. As his hon. Friend the Member for Kilkenny (Mr. Marum) had pointed out, notices were given Sunday after Sunday at the chapels in the various districts. Even if the case put by the hon. and learned Gentleman were to arise, the Lord Lieutenant would still have power to prohibit the meeting. He pressed upon the Government the reasonableness of the Amendment of the hon. Member for the City of Cork.

MR. TREVELYAN said, in listening to the arguments of hon. Members opposite, the Government were aware that they spoke with a knowledge of the situation. But the two reasons urged by the Attorney General and himself stood in the way of the adoption of the Amendment put forward by the hon. Member for the City of Cork. They were willing to insert words to the effect that the proclamation of the prohibition should be published at the earliest possible moment; but further than that they could not go.

MR. T. P. O'CONNOR said, he regretted that the Chief Secretary to the Lord Lieutenant did not see his way to accept the Amendment before the Committee. It must be remembered that the hon. Member for the City of Cork had made a concession upon the original Amendment. The first proposal was that the Government should be bound to give three days' notice of prohibition in any case; but when it was shown that the Government might not have any information with regard to the meeting, his hon. Friend consented that notice should be given at the nearest police-station. His hon. Friend now instructed him to say that he went farther than that, and was willing to agree that notice of the meeting should be given 10 days in advance at the nearest police station. According to that arrangement, the Government would have sufficient notice of what was going to be done, and plenty of time to make up their minds on the subject of the meeting. He trusted the

Government would be able to make this small concession. With regard to the Amendment of the hon. and learned Member for Kilkenny (Mr. P. Martin,) he believed, if the right hon. Gentleman the Chief Secretary to the Lord Lieutenant had had as large an experience of public meetings as he had, he would know that the proposal of the hon. and learned Member for Kilkenny, which he had signified his readiness to adopt, was of the most illusory character. Anyone who was acquainted with the character of public meetings in Ireland would know that in the majority of cases they were so large that a man with stentorian lungs would probably fail in making his voice reach to the circumference of these enormous gatherings. The presence of the magistrates, then, who, as proposed by the hon. and learned Member for Kilkenny, were to read the proclamation of the Lord Lieutenant, would probably have the effect of exasperating the people, and producing the disorder which it was desired to avoid. He trusted the Government would give and take, so to speak, in dealing with this matter. The only object of Irish Members was that innocent people should not be caught without a fair warning, and subjected to the penalty prescribed in the Bill for the venial offence of attending a meeting.

Sir WILLIAM HARCOURT said, he did not see that the proposal of the hon. Member for the City of Cork (Mr. Parnell) was a very practicable one, because, were 10 days' notice of the intention to hold any meeting always required, great inconvenience might result. Such a machinery as that would, he thought, be more adverse to the general right of public meeting than almost anything else. It seemed to him that his right hon. Colleague the Chief Secretary to the Lord Lieutenant had stated the case very reasonably. Her Majesty's Government could not bind themselves to any particular number of days within which the notice of prohibition should be given, because it was possible that circumstances which would render the meeting dangerous to public peace or public safety might arise within a very brief period of the meeting taking place. The Government were willing that the Lord Lieutenant should give notice, at the earliest possible moment, when the knowledge of danger to the public peace presented itself to him; that, in fact, he should lose no time in communicating with the parties concerned.

Mr. PARNELL thought the Government refusals to admit Amendments of the most reasonable character were standing very much in the way of their own progress.

Sir WILLIAM HARCOURT: We have just accepted three Amendments.

Mr. PARNELL said, these were of a very subordinate kind. He had simply asked that persons attending meetings of which 10 days' notice had been given should be exempt from the penal consequence of being liable to six months' imprisonment with hard labour, unless the Lord Lieutenant prohibited the meeting three days beforehand. The Committee would bear in mind that the Lord Lieutenant would still have power to prohibit and disperse a meeting irrespective of the three days' notice. As to the dangerous consequences of the speeches delivered which the Attorney General (Sir Henry James) anticipated would arise, owing to the meeting being held without prohibition, he pointed out that at the last moment the Lord Lieutenant had always power to prohibit a meeting; and, as had been proved during the last 12 months, he could send police and soldiers on the very morning of the meeting to stop it, when, as had always been the case, the people would be ready to obey and retire. The Government had not attempted to show the necessity either for refusing this Amendment, or for bringing forward the clause. He had asked the right hon. and learned Gentleman, last night, whether he could give any instance in the course of the land agitation of a prohibited meeting being held, and he declined to reply. The right hon. and learned Gentleman gave no instance of any case where the people refused to disperse and abstain from holding a meeting when called upon to do so by the magistrates, and yet he preserved a cast-iron front and unbending attitude in reference to this reasonable Amendment.

Mr. MACFARLANE said, he thought the Government might very well accept the Amendment of the hon. Member for the City of Cork, which did not in any way militate against their professed intention to prevent the possibility of danger to the public peace or public safety. It had been pointed out that all this could be secured by the dispersion of the meeting at the last moment; and he was, therefore, quite at a loss to understand why the Government assumed such an attitude towards the Amendment before the Committee. Every concession in a Bill of this kind was a satisfaction to the Irish people; and the attitude of Irish Members was that the Bill was so oppressive and virulent that it was their duty to amend it, if possible. He had never spoken a word in that House in defence of crime and outrage; but he maintained that it was the duty of the House to take care that in hunting down criminals they did not injure innocent men. The Government contended, as a reason for introducing this Bill, that the criminal minority were "Boycotting" the innocent majority. He quite understood the Government giving the innocent majority power to "Boycott" criminals, and nothing of that kind would meet with any opposition from him; but he contended that the Amendment of the hon. Member for the City of Cork would have the effect of protecting innocent people, while it did not in any way interfere with the object of the Government.

MR. RYLANDS said, he had a strong objection to the clause, even though it was necessary, inasmuch as it might lead to the punishment of men who were innocent of any offence whatever. Still, he thought it right to say that the course taken by the right hon. and learned Gentleman the Home Secretary and the Chief Secretary to the Lord Lieutenant was fairly adopted with the view of mitigating the clause. Her Majesty's Government were willing that every possible notice should be given, and that as early as possible, of the prohibition of a public meeting. But he hoped they would introduce a provision that no person attending a proclaimed meeting should be punished unless he knew when he attended it that the meeting had been proclaimed. It seemed to him only fair that words of this kind should be added, so that persons innocently attending the meeting should not be liable to the penalties of the Bill. He thought the Government were alive to the objections to the clause; and he hoped they would see their way to a further modification of it.

MR. O'DONNELL said, he would suppose the case of the conveners of a prohibited meeting becoming acquainted with the circumstance that the object of the meeting was distasteful to the Lord Lieutenant, and changing it to the petitioning of Parliament against a certain grievance existing in the country. He asked whether the prohibition of the Lord Lieutenant would hold good both against the illegal and the legal purpose; and whether any guarantee would be introduced into the Bill as a means of preventing the magistrates punishing persons for the changed purpose, just as if the meeting were held on the prohibited ground?

MR. SEXTON said, it was difficult to see what object the Government had in resisting this Amendment. The hon. Member for the City of Cork desired that public notice should be given in the locality of the unlawful character of the meeting prohibited. He was willing that 10 days' notice of the intention to hold the meeting should be given. On the other hand, he wanted only three days' notice of prohibition on the part of the Lord Lieutenant. The Government, under this arrangement, would have a week to consider their determination. There was direct communication by telegraph and post between Dublin Castle and every police station throughout the country. It would only take one day to give notice of prohibition, and on the third day it would be in every part of Ireland. Then, although the Police Force were most unfortunate in their endeavours to detect crime, they were known to be very efficient for the purpose of gathering up every scrap of information and submitting it to Dublin Castle, so that there would be no difficulty in the way of the notice of the intended meeting reaching the Lord Lieutenant. He was obliged to point out that the offer of the right hon. Gentleman the Chief Secretary was delusive, inasmuch as the promise that notice should be given at the earliest possible moment was of the vaguest possible character. The official mind in Ireland was fond of dramatic surprises, and of pouncing down suddenly on the people; and, as a rule, the less notice the people had the better the Executive would be pleased. It was against those dramatic surprises that the hon. Member for the City of Cork wished to guard the people. Again, although the police would be quick enough to communicate the prohibition of the meeting, there would not be the same alacrity to communicate that full and elaborate information to Dublin Castle which would enable a prompt decision to be arrived at; and the result would probably be that a proclamation would arrive on Saturday night or Sunday morning of a meeting to be held on the next day, in which case it would be impossible that the people in the district could be properly notified. He said that this system was neither honest nor fair; and he regarded it as an arrangement for entrapping the people. He was sorry to say, with regard to the Amendment of the hon. and learned Member for Kilkenny (Mr. P. Martin), that it would not meet the case; because the two Resident Magistrates whom he proposed should be sent to announce the prohibition of the meeting would have nothing to distinguish them; they would present themselves suddenly in the midst of 5,000 or 10,000 people, who had, perhaps, travelled 10 or 20 miles to hear what was to be said at the meeting; and they would mumble out something which to those in the immediate vicinity of the platform might be understood as a prohibition of the meeting. But, further, in those parts of Ireland in which rack-renting most prevailed, and where evictions were most keenly felt, knowledge of the English language was by no means universal; and he assured the Committee that the bulk of the people might remain ignorant of the fact that the prohibition of the meeting had been announced by the magistrates; and the consequence would be that great amount of confusion would follow. There could be no more effective way of disturbing the public peace in Ireland than to bring together a large number of unlettered people from various districts, and when they had assembled with a set purpose to introduce two persons in mufti to put an end to the proceedings. If the clause were carried out in the spirit notified by the Chief Secretary to the Lord Lieutenant, the gaols would become choked in six months, and the failure of the Act established.

Mr. METGE said, he could not understand what possible reason the Government had for not accepting this very reasonable Amendment, unless it was that they desired to mark the Act from beginning to end with the impress of vindictiveness. He could only understand their policy on the ground that they wished to sweep into the net of the law as large a number of persons as possible. Her Majesty's Government did not appear to understand the proposal of the hon. Member for the City of Cork (Mr. Parnell). His hon. Friend did not seek, in any way, to limit the power of the Government to prohibit meetings by notice given; all he said was, that in cases where people brought themselves within the letter of the law, by giving 10 days' previous notice of an intended meeting, they should be safeguarded by receiving three days' notice from the Government of the prohibition of the meeting. The right hon. Gentleman the Chief Secretary to the Lord Lieutenant said these meetings could be got up at very short notice; but, from his own experience, he could positively deny that that was the case. It was a very difficult matter to get up a meeting of an extensive character in Ireland under a fortnight or three weeks. Meetings got up at short notice were, as a rule, complete failures; on the other hand, he had seen a meeting, of which there had been two months' notice, dispersed at one day's notice by the Government. As he had said, he could not see what object the Government had in not accepting this Amendment, unless it was to drive people into the meshes of the law, and sweep them within the powers of this Act; and he hoped the Chief Secretary would find some means of meeting the view now expressed.

Mr. T. FRY said, he thought the Amendment was of such importance that some Members on the Liberal side might ask the Government to meet the objections to the clause half way. The contention of the hon. Member for the City of Cork was that the Government should at least give three days' notice when they wished to proscribe a meeting; and some hon. Members thought that if three days' notice could not be given, no penalty should follow where the people could not have known that the meeting was proscribed. It would be unfair to subject people under these circumstances to six months' imprisonment.

Mr. GILL said, he believed that if the Government rejected this Amendment that course would have the worst effect of anything it had done since this unfortunate Bill came before the House. The people of Ireland would think that the release of the "suspects" now was all a sham, and was only intended to empty the prisons in order that the Government might put another set of people in their places as quickly as possible; and that, instead of imprisoning people who were suspected of crime, they wanted to imprison people who were absolutely free from any crime. If the Government wanted to carry out any kind of policy that would conciliate the people of Ireland, they might give way on some small thing such as this; and it was only to protect the people from wrongful imprisonment that he and his hon. Friends were enforcing this Amendment. The Government had full powers for stopping meetings without this clause; and the Irish Members wished to prevent this severe punishment being inflicted on innocent people, who had no knowledge that they were bringing themselves within the law.

MR. SHEIL said, it had often happened, as on this occasion, that when an Amendment was not printed, and was only read from the Chair, it was misunderstood; and in this case it appeared to him that not only did the Government misunderstand the Amendment, but even the hon. Member for Darlington (Mr. T. Fry), who had spoken in favour of it, did not understand it. The object of the Amendment was, that should the promoters of any meeting give 10 days' notice, then the Government should have seven days in which to consider whether to prohibit the meeting or not. What objection could there be to that? The Government would have seven days in which to consider the matter; they would know the object of the meeting; and all that was asked for was that they should not allow thousands of people to come from all parts of the country without their knowing that the meeting was proscribed. It seemed to him that the Amendment was so fair that it ought to be insisted on to the fullest extent, and he regretted that there was no more responsible Member of the Government in the House at that moment. He could not think that the Prime Minister or the Home Secretary would resist the Amendment, and he regretted that some more responsible Member of the Government had been prevented hearing the object of the Amendment. [Sir WILLIAM HARCOURT: I have spoken upon it.] The Home Secretary was always opposed to Amendments; but he did not think the Prime Minister had appreciated this Amendment, and therefore he hoped there would be a strong opposition to the clause as it stood.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PORTER) said, the Home Secretary had indicated the real desire of the Government to meet the wishes of hon. Members opposite as far as possible; and he asked the Committee to observe in what respect the clause had already been modified. In the first place, the Home Secretary had agreed that the notice which the clause provided must be given at the earliest possible moment; in the second place, the notice was to be served on the promoters; and, in the third place, the right hon. and learned Gentleman had agreed to the proposal of the hon. and learned Member for Kilkenny (Mr. P. Martin), that two magistrates should attend the meeting and give ample notice of its prohibition. Under these circumstances, it appeared to him that no one could claim that the people attending a meeting were in ignorance; but, in order that there might be no mistake about that, and no penalty imposed upon persons who innocently attended a meeting, the Home Secretary had consented to accept an Amendment inserting the word "knowingly," which would prevent a penalty being imposed upon any person not present with an active knowledge. But there was a practical difficulty in the way of adopting this present Amendment, which, he thought, even the hon. Member who proposed it would see. Any limit of time was open to one great objection — the hon. Member himself had pointed out that the Lord Lieutenant might still prohibit the meeting and prevent persons attending it; but the object of this Amendment was that persons should not be liable to prosecution for attending a meeting. If a distinct limit of time, within which notice must be given, was laid down in the Bill, it would be open to this great danger—there would be two classes of prohibition, one to be acted upon at the time if necessary, which would remain untouched by the Bill; and, secondly, a restriction as to time. What would be the consequence of that? Persons who were not by any means ignorant would know that two or three days' notice would be necessary in order to bring a meeting under the Act, and they would inevitably think that such notice was requisite to make a meeting illegal; and if that notice was not given the prohibition of a meeting would be certain to lead to a collision between the authorities and the people, because the people would think that, inasmuch as the preliminaries under the Act had not been complied with, they were in their right, and that the authorities were acting outside their right. It seemed to him that the requirements of the Bill should be as stringent as possible to meet the circumstances of particular cases, and it would be most dangerous to have two classes of prohibition; and, therefore, while it was desirable that the earliest possible notice should be given, and no one should be liable unjustly, yet it would be impossible to accept the Amendment as now suggested.

Mr. PARNELL said, that the danger pointed out by the hon. and learned Gentleman would not arise. The proclamation of the Lord Lieutenant would render a meeting illegal, no matter when it was issued, and the people could be legally dispersed; but persons attending a meeting without a notice of three days, or whatever period the Government agreed to, would not be liable to penalties for being present. That would be a difficulty; and he thought, as the Government were now for the first time imposing this penalty upon people attending meetings without the right to appeal or of the protection of a jury, the distinction he had proposed was fair, and before the division was taken he wished the Committee to see exactly what it was he wanted. If the Government would agree to carry out the views of the Irish Members, he would withdraw his Amendment until the Report. What he wanted was, that there should be notice given at some definite period before the holding of the meeting, in order to entitle the Crown to punish persons attending that meeting where notice had been given by the promoters at the police station nearest to the place where the meeting was to be held. He did not wish to take from the Government the power of proclaiming a meeting, but he did wish to take away the power of punishing persons who had not received the notice of prohibition.

Sir WILLIAM HARCOURT said, the hon. Member had now brought the matter to a clear point, and had said that whether the meeting was to be prohibited within a fixed time or not, in either case the people would be acting illegally. That being quite clear, if a meeting was illegal, why should not any persons refusing to disperse, knowing the meeting to be illegal, be treated as acting illegally? At one meeting they would be liable to penalties for refusing to disperse; at another they would not; but in both cases the meeting was illegal. This seemed to him to be a difficulty in the case; and if the hon. Member should bear in mind one of the main reasons for desiring this penalty was that the Government believed the knowledge of this penalty would cause the people to disperse without force. That reason was equally applicable to both cases; and the Solicitor General for Ireland had pointed out, if at one class of meetings the people would not be liable to penalties, it would clearly be a greater inducement to refuse to disperse and to resist force. That seemed undesirable; and he would ask the hon. Member to consider this point. The only object now being contended about was founded on the supposition that the Government, having a knowledge of the circumstances which induced them to prohibit a meeting, would have some cause or other for withholding that knowledge deliberately from the people whom they ought to notify. Why should they do that? It was obvious that if the Government wanted to prevent a meeting they would take every possible means of preventing that meeting being held. It seemed to him a matter of common sense that they would take every precaution to let a prohibition be known. They were perfectly prepared to put in words where the notice was required at a point which had been passed and could not be dealt with now, declaring that it should be the duty of the Government to give notice at the earliest possible moment when the circumstances came to their knowledge. That seemed to him to meet the whole justice of the case. Then, when the meeting was held and the people were properly notified under the condition to be inserted in the Bill, and it came to the knowledge of the people that the meeting was prohibited, those persons deliberately refusing to disperse should be subject to the penalties of the Bill. That was a reasonable proposition; and he hoped the hon. Member would be willing, under the circumstances, not to press the Amendment, but to see whether, at some point hereafter, they could come to a satisfactory conclusion.

Mr. DILLON said, the right hon. and learned Gentleman was misrepresenting the issue in a very extraordinary way. What the Irish Members wanted was, not that men were to be punished because they refused to disperse, but because they were present at a meeting. That was an exceedingly difficult matter. The essence of the clause was that attendance at a meeting was to be a crime, and not the refusal to disperse. If that was what the right hon. and learned Gentleman wanted, he could have the Riot Act read, and call on the people to disperse, and then hold them liable if they refused.

Sir WILLIAM HARCOURT said, he thought the Amendment of the hon. and learned Member for Kilkenny (Mr. P. Martin) would meet exactly what was asked, because two magistrates would notify to the meeting that it had been prohibited; and if the people refused to disperse, after such notification, they would be liable to the penalties. That, he thought, met the objection of the hon. Member, for the people would receive an authoritative notice before being called upon to disperse.

Mr. PARNELL said, that the Amendment he had desired to see introduced would act as a stimulant to the local authorities to inform the Lord Lieutenant in time, and not withhold the communication to the last moment when the people would be assembled and would have incurred the danger of penalties. It had been seen that the police and the local authorities had left the dispersing of a meeting to the last moment, and refrained from giving due notice to Dublin Castle, so that the people were put to the trouble of coming long distances at the risk of coming into collision with the police and becoming liable to punishment.

Mr. DILLON wished to know what the Home Secretary assented to? He understood that the right hon. and learned Gentleman had said he would insert "knowingly;" but the Amendment which he was ready to insert left out all the words from "who" to "shall." Therefore, he did not see how the word "knowingly" was to be inserted.

Sir WILLIAM HARCOURT said, that "knowingly" would be put in at the top to govern the whole of the clause. What he meant was that "knowingly" should govern that clause, and with the Amendment he proposed to accept the clause would run thus—

> "In case such meeting be so prohibited, two or more justices of the peace shall attend at the place where they have reason to believe such meeting is to be held, and then and there notify and repeat aloud, to the persons attending, the order prohibiting such meeting, and direct such persons to disperse; and in case any of the persons so met or assembled together shall not disperse within the space of one half-hour, such persons shall thereupon be guilty of an offence against the Act."

The word "knowingly" did not arise at this point, because the persons present would necessarily know, as the proclamation would be made in their presence.

Mr. DILLON said, he mentioned this matter because the Home Secretary said he intended to insert "knowingly" before the word "who," and he understood that that would preserve the mere presence at a meeting as an offence. Now, the right hon. Gentleman said presence was to be no offence, and only a refusal to disperse would be an offence. That altered the matter very much.

Mr. O'DONNELL said, he was willing to credit the Government with a desire to work out this clause as humanely and justly as possible. They had pledged themselves that the Lord Lieutenant should give notice of prohibition at the earliest possible moment after he received the information necessary for the formation of his opinion; but should not the Government, in their own interest and in the interests of good government, insert some provision in the clause which would make it incumbent on the local authorities to give the Lord Lieutenant that information at the earliest possible moment? That really was the point. The Irish Members were quite prepared to believe the Lord Lieutenant would give notice at the earliest possible moment from his point of view; but for the harmonious working of the clause, and to prevent ill-will, would not the Government insert some words making it incumbent on the local authorities and magistrates to inform the Lord Lieutenant at the earliest possible moment? That was of the greatest importance, because it might happen that the local police were on bad terms with the people, or there might be magistrates who had not sufficient knowledge of how to act in a difficult crisis; and so they might delay the notice to such a date that, although the Lord Lieutenant would give notice at the earliest possible moment from his point of view, his prohibition would be accompanied by a maximum of discomfort to the local population. If the Government would introduce words simply making it incumbent on the local police to give the earliest possible notice to the Lord Lieutenant, nine-tenths of the objections formulated in the Amendment would be fairly met.

Mr. P. MARTIN said, unquestionably there was considerable force in what had been said by some hon. Members opposite as to the possibility of the magistrates notification not being heard by some of those present. Probably it would meet those views to carry into effect what it was stated had been intimated by the Home Secretary to the hon. Member for Tipperary, if the words suggested were added so as to make the sentence read—

> "And in case the people do not disperse in the space of one half-hour such persons thereupon who shall knowingly remain present at the said meeting and shall not have had previous notice that the meeting has been prohibited shall thereupon," &c.

He did not see what objection there could be to this addition to the Amendment. Surely, they were now superadding statutory rights to the rights enjoyed by the Lord Lieutenant; and it should not be the intention of the Government that a person, who was not aware that a meeting had been prohibited, and who had not had reasonable notice, either from the proclamation or the magistrates, or from previous information, should be made an offender against the provisions of the Act, and be subject to six months' imprisonment. He thought the words he suggested reasonable, and those adopted by the Government ought, and he conceived would, have the desirable effect of terminating this discussion.

Sir WILLIAM HARCOURT said, he was a little disappointed to find that when he had accepted an Amendment the hon. and learned Member was not satisfied with his own Amendment. He was in as great a difficulty by accepting the Amendment as if he had refused to do so. It was certainly very discouraging, and he would like to point out the difficulty in which they were landed. If this power was to be used it must be in consequence of a magistrate making the declaration. When the Riot Act was read the consequences followed. Was it reasonable to suppose that it was necessary that every man in the crowd should hear the Act read. The people in the crowd perfectly well knew what the whole thing meant—it meant the declaration of the illegality of the meeting, and what it was necessary to prove was that the Riot Act had been read. It was exactly the same thing whether a man heard it read or not, and he did hope that the hon. Member would not press this Amendment.

Mr. O'DONNELL said, that if Her Majesty's Government did not give notice of the prohibition of a meeting until the very last moment a great deal of expense would have been incurred—a great deal of popular feeling would have been excited, and all to no purpose. Without the slightest necessity the Government would have incurred a lot of unnecessary unpopularity. That was the logical position, and he thought it would be well if Her Majesty's Government would make it incumbent on the local magistracy and police not to cause any delay in their giving the information to the Lord Lieutenant as to meetings which were about to be held.

Question put.

The Committee *divided*:—Ayes 49; Noes 176: Majority 127.—(Div. List, No. 142.)

Mr. SEXTON said, that the next Amendment which stood in his name opened up a very important question with regard to the responsibility of those who promoted public meetings, and as the House had now been sitting for a very considerable time, he hoped that the Government would now consent to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Sexton.*)

Mr. CAUSTON said, that early in the evening the Prime Minister announced the intention of the Government to take a Morning Sitting to-morrow; but the right hon. Gentleman was not at all sanguine that any very satisfactory result was likely to follow. Now, this Prevention of Crime Bill was either urgent, or it was unnecessary. The Government said that it was urgent. The Irish people—the terror-stricken people of Ireland—considered it was necessary. ["No, no!"] He maintained the terror-stricken people said it was necessary, and he and a vast majority of the Members of the House of Commons were of opinion that the measure was required. He, therefore, rose to make an appeal and a suggestion to Her Majesty's Government. His appeal was that the Government should take immediate steps to bring the discussion on this Bill to a close. The sooner the Government recognized the fact the better it would be for the country, that the supporters and followers of the hon. Member for the City of Cork (Mr. Parnell) were almost irreconcilably opposed to this measure, and were using every means in their power to defeat it. He did not wish to say anything unkind of the hon. Gentlemen below the opposite Gangway. If they were irreconcilably opposed to this measure, they were, perhaps, justified in using the immense powers they possessed under the existing Rules of the House to resist its progress; but, on the other hand, public opinion in the country was at the back of Her Majesty's Government, and if hon. Members opposite chose to use the means they had at their disposal to obstruct the progress of the measure, the Government and the House of Commons generally were in duty bound to use the powers they possessed to secure the passing of the Bill. Under the existing Rules he knew it would be madness to attempt to vote Urgency. Morning Sittings were absolutely useless, for they had been taken over and over again, and the result had been nil. He, therefore, ventured to suggest to the Government that the only course open to them under the existing Rules was to have a continuous Sitting, and he believed that the adoption of such a course would meet with the approval of a large number of Members on the Ministerial side of the House. The Government were in a very large majority, and they must recognize that fact. He did not pretend to say that they must use their majority unfairly; but it must be remembered that the interests of the country—[An hon. MEMBER: Which country?]—the interests of England and Ireland demanded that this measure should be passed. There was no one more anxious than himself to see remedial measures passed for Ireland, and when the Arrears of Rent (Ireland) Bill came before the Committee he should do all he could to assist its progress. He simply threw out this suggestion, and he hoped that the Government would not, at this early hour of the night (1.10), consent to report Progress.

MR. PARNELL said, he must deny that there was any ground for the statement of the hon. Gentleman who had last spoken, that he (Mr. Parnell) had in any way used the Forms of the House to oppose this Bill, or that he was in any way obstructing the progress of this Bill, or encouraging anybody else to do so. The hon. Gentleman must recollect that, after all, he was an Englishman or a Scotchman—he was not quite sure which he was—and he could not be expected to sympathize as much with them and their exertions to preserve the Constitutional liberties of their country as they sympathized with themselves and their own people. He could, therefore, understand, to some extent, the impatience with which he had viewed the attempts of the Irish Members to alter the character of this Bill. The hon. Gentleman must recollect that this Bill consisted of many clauses, a considerable number of which involved principles of the greatest importance and the most far-reaching consequences, taking away, one after the other, those Constitutional rights, which, up to last year, had been enjoyed in Ireland; and he (Mr. Parnell) would recommend the hon. Gentleman to hesitate before he desired to precipitate a conflict between the Irish people and the Government.

SIR WILLIAM HARCOURT said, the Government were sensible that the progress of this Bill had not been what the House of Commons had a right to expect. When a question of this kind was raised, he thought, a week ago, the hon. Member for Wexford (Mr. Healy), speaking of the length at which these debates had been continued, said that the Government must consider that they had practically got the main part of the Bill when they had got to the 4th clause, and the Committee hoped and expected that in the subsequent clauses the progress of the Bill would have been more rapid. The hon. Gentleman said—"You have got the main part of your Bill, and you have only been a week or 10 days in discussing all these clauses." "That was not an unreasonable time," said the hon. Gentleman, "because you have got the main part of your Bill." Well, but almost as much time had been expended upon the next three clauses; therefore, the expectation held out by the hon. Member for Wexford had not been at all fulfilled. Just let them observe what had taken place to-night. He could not help pointing out, with regard to the manner in which the Business of the House was conducted, that two hours were spent on what he must call an inordinate abuse of Questions. To-day, for the first time, there were upon the Paper of the House of Commons 68 Questions, a number, he believed, unparalleled before. Day after day, and Session after Session, the abuse grew; and, as he had said, two hours were spent upon Questions to-day, some of which, no doubt, were important, but many of which, he thought, the House might very well have dispensed with. Since Question time, seven hours and a-half had been taken up in the discussion of Amendments, which nobody could call of first-rate importance. They commenced the clause yesterday; they had spent the whole of to-day upon it, and they had not yet come to its conclusion. It was perfectly impossible, in his opinion, that the Business of the House, upon this or any other Bill, could be conducted upon such a footing as that. He had no desire whatever, if they could avoid it, to go to anything that could be called extreme measures; but what had occurred must have satisfied everybody that things could not go on in the future as they had gone on in the past. He would rather reserve the consideration of future proceedings to the Prime Minister; and he hoped that, at all events, the Committee would show its desire to deal practically with a matter of this kind by finishing the discussion of this clause to-night.

Mr. HEALY said, the right hon. and learned Gentleman had personally alluded to him. What he had said on a former occasion he would now repeat. He pointed out on Friday night last, in reply to something that was said by the right hon. Gentleman the Member for Ripon (Mr. Goschen), that the Government had got four clauses of the Bill in a little more than a week, whereas the Tory Party had taken up five nights upon the three first lines of the Land Bill of last year. As this Bill was of great importance to the population of Ireland, of much greater importance than the miserable Free Sale Clause of the Land Act, he considered the conduct of the Irish Members had been far more pardonable than the action of the Tory Party last year. He pointed out last week that the Government had got the main clauses of the Bill. He added nothing to that except that he hoped the Government would not accept the advice given them by the right hon. Gentleman the Member for Ripon. The Government had now reached the 7th clause; in fact, they had proceeded two or three times as rapidly in the last two or three days as they did in the 10 previous days. He considered that the contention he put forward on Friday night last had been maintained to the letter. He made no complaint of the speech of the Home Secretary; but he did not think, after all, that the right hon. Gentleman ought to blame the Irish Members for what had occurred earlier in the evening. Everyone knew that a considerable portion of the Question time was occupied in an animated dialogue between the Under Secretary for Foreign Affairs and the hon. Member for Greenwich (Baron De Worms); in fact, he thought that the House never presented an appearance so much like a Punch and Judy show before, for the hon. Gentleman the Member for Greenwich was continually jumping up and down badgering the unfortunate Under Secretary for Foreign Affairs. In the whole course of their acquaintance with the late Chief Secretary there was never anything so much in the shape of baiting as had happened this afternoon in the case of the Under Secretary for Foreign Affairs. With reference to the proposal to finish this clause to-night, he thought that if the Government would not take a Morning Sitting to-day the clause might very fairly be finished; but if the Government wanted to bring them down at 2 o'clock, he hoped his hon. Friend would insist upon reporting Progress. The Home Secretary must know that whenever concessions had been given during this Bill progress had been very largely accelerated. Nothing had astonished the House more than the manner in which they got through the 5th clause. It went through with a run. A substantial concession was made to hon. Gentlemen on that (the Opposition) side of the House, and through went the clause. Hon. Gentlemen of the Irish Party, during the progress of the Bill, had received support to their Amendments from hon. Members sitting on the Ministerial side of the House. The Irish Members had been encouraged to go on with their Amendments by the Radical Members of the House; and the inference they were to draw from that was that their arguments had produced a substantial impression on the minds of hon. Gentlemen opposite, and it could not be maintained that they were arguing now in vain. It was a source of considerable satisfaction to them to find that, instead now of having minorities of 20 or 30, which were the minorities when they started the discussion of this Bill, those minorities had doubled, and now the supporters of Amendments were dividing 50 or 60 strong. He would suggest that the Government should make a statement that they would abandon the Morning Sitting and go on with the Bill now until they came to some point upon which there was a very material difference of opinion. It was proposed that they should meet at 2 o'clock. When they met, Questions would occupy the time until half-past 2, and that would only give them four hours and a-half; and then, when they met again at 7 o'clock, or at 10 minutes past—for the Speaker did not come in until one of the Whips informed him that 40 Members were present—[" No, no! "] The noble Lord opposite, one of the Government Whips, shook his head; but hon. Members knew very well how this was done. On the grounds he had stated, and also on the ground of the inconvenience to which Members might be put, he would recommend the Government to drop the Morning Sitting, and see how they went on with the Bill to-night.

SIR STAFFORD NORTHCOTE said, he only rose for the purpose of suggesting that as it seemed to be understood that it would be possible, without sitting very late, to finish the 7th clause—which would be a very reasonable thing for the Committee to contemplate—they had better try to avoid too much talking. If they went on with this discussion, they would only be losing time, which could be advantageously employed in considering the Amendments to the clause. They had been discussing the clause all the evening, and their minds were now properly set to it, and if they went on quietly and perseveringly, he did not think it need take them long to pass it.

MR. LABOUCHERE said, the hon. Member for Wexford (Mr. Healy) had stated that he would suggest to his Friends the desirability of going on with the 7th clause, and concluding its consideration to-night, if the Motion for a Morning Sitting to-day was withdrawn. He (Mr. Labouchere) would point out two things—first, that, as the hon. Member for Wexford had said, there had been more Liberals with the Movers of Amendments opposite on this clause than on any other Amendments to the Bill; and, in the next place, this clause was in itself a Bill. It would have the effect of putting a stop to public meetings, and he would put it to the right hon. and learned Gentleman the Home Secretary himself, how long would it be likely to take to pass a clause or a Bill doing away with the right of public meeting for three years in England?

SIR WILLIAM HARCOURT said, that with reference to the suggestion that the arrangement as to a Morning Sitting should be altered, he did not think that, under the circumstances, that could be done, for the reason that when an announcement was made by the Prime Minister early in the evening, people went away with the impression that that announcement would be adhered to. It would not be fair to alter the arrangement at this time of the evening. Hon. Members would see the difficulty the Government were involved in, in having made a promise of this description. Hon. Members opposite had the support of the hon. Member for Northampton (Mr. Labouchere); and, no doubt, as the hon. Member for Wexford had said, that support was a very potent and valuable element in their resistance to this Bill. He thought, at all events, they ought to see what the opinion of the House was as to whether or not they should insist upon going on with the clause before a new arrangement was entered into. He must resist the Motion.

Mr. PARNELL said, he was sorry the Home Secretary had not been able to see his way to accepting the suggestion of the hon. Member for Wexford to go on for two or three hours to-night, and finish the clause, so as not to be under the necessity of coming down to a Morning Sitting.

Sir WILLIAM HARCOURT: I would consent to forego a Morning Sitting if I could; but it is impossible.

Mr. PARNELL said, he was sorry for that, because he thought if the right hon. and learned Gentleman had been able to accede to the Motion, it would have contributed very much to the harmony and despatch of Public Business. The right hon. and learned Gentleman the Home Secretary and the Committee would see that as they would be obliged to meet there again in 12 hours' time, it would not be reasonable for the Government to require them to stop here another two hours till they finished the clause. If they finished the clause, after deducting the time which would be spent in getting home and getting back again, they would only be left with something like 10 hours for sleep and transacting any private business they might have to perform. Then, again, it must not be forgotten that the number of hon. Members who were opposing this Bill, and endeavouring to amend it in the interests of a whole people, was very limited. Though they would have been willing to have given two hours to the further consideration of the clause to-night, if the arrangement had been for them to meet at 4 o'clock to-morrow, he did not think that, under the circumstances, they should be asked to give any further time to the Bill at present. It was not reasonable to ask them to go on any longer; therefore, he trusted the Government would give way.

Mr. O'DONNELL said, the right hon. and learned Gentleman the Home Secretary had drawn attention to a statement which had been made by the hon. Member for Wexford, to the effect that when they had obtained the 4th clause of the Bill they really had secured the most important part of it. The right hon. and learned Gentleman from this had drawn the conclusion that as they had got the most important part of the Bill through, the rest should be allowed to pass as quickly as possible. To him (Mr. O'Donnell) it appeared the legitimate conclusion was that as the Government had got the "Boycotting" Clause and the clause for the suspension of trial by jury, they might have seen their way to offering less resistance than they seem inclined to do to reasonable Amendments to the remaining portion of the Bill. [*Cries of* "Divide!"] The clamour arising from the Liberal Benches opposite was a conclusive proof of the incapacity of the Committee to continue the consideration of the Bill in a calm frame of mind to-night.

Mr. MONK said, there was a very general opinion amongst many of his Friends sitting on that—the Ministerial —side of the House, that it was desirable that Progress should be reported. If the Home Secretary hoped to get through this clause to-night, there could be no doubt that he was under a mistake. Considering the lateness of the hour, and that they were to meet again at 2 o'clock, the right hon. and learned Gentleman would do well to agree that Progress should be reported.

Mr. T. E. SMITH said, that, as one who had a strong feeling that the Government of the country ought to be supported in the measures they thought necessary for the purpose of preserving law and order in Ireland, he had always kept clear of anything like interfering with the Government in the conduct of their Bill. But he thought the time had come when an independent Member might be excused for saying that, so far as his feeling and that of others sitting near him was concerned, the opinion was gaining ground, both in the House and out of it, that it was the duty of Her Majesty's Ministers to take such steps as they might deem desirable to expedite and enforce the carrying out of the policy which they had thought it their duty to recommend. He was not bringing accusations against hon. Gentlemen opposite, who had felt it to be their duty, in the interests of the country from which they came, to oppose the Bill, line by line, and word by word; but the Committee must look at this matter as practical men. They must be aware that, under such difficulties as the House was placed in at present, it was quite impossible for Parliament to pass a perfect measure. If it was to be subjected to verbal criticism, it would be impossible to make it what was called a perfect measure, or, if they did, they would not have time to pass it this Session. They must proceed, to a certain extent, by rough-and-ready means. [*Ironical cheers by the Irish Members.*] Yes, rough-and-ready means; but, of course, he meant in crucial circumstances. Rough-and-ready means were sometimes necessary, and it was time for Her Majesty's Government to consider what measures they could take to bring this legislation to a termination. The conduct of hon. Gentlemen opposite, leading as it did to the eviction of somewhere about 20 families a-week, was likely to produce a strong feeling in the country that it was far from being patriotic. He would also venture to suggest that a feeling was growing throughout the country that the time had come when the Government must put their foot down and take some steps to secure the practical realization of that policy which they had taken upon themselves the responsibility of recommending to Parliament.

MR. T. P. O'CONNOR said, he should not have risen to keep the Committee from the division they were anxious for, had it not been for the remarks of the hon. Gentleman who had just sat down. The hon. Member charged hon. Gentlemen from Ireland with a policy the tendency of which was to increase evictions in Ireland; but it was not the Irish Party, but the Government, who were responsible for what was taking place in Ireland. They were following the precedent of last year by making their policy of conciliation follow that of coercion. This Bill was a Bill for increasing evictions in Ireland. It was a Bill for taking away from the Irish people that power of combination which, when the Government had deserted them, had been for the last two years the only means they possessed for stopping evictions. This was a Bill for putting the Irish tenants at the mercy of the Irish landlords; and yet, in full view of this fact, the hon. Gentleman (Mr. T. E. Smith), after his long experience, had the face to get up and accuse the Irish Members of increasing the number of evictions in Ireland. The Government, from their own point of view, had already obtained as much of the Bill as was necessary to enable them to preserve peace and order in Ireland. Then let them drop the rest of it. They had made themselves possessed of far too much power. They had taken means for putting down "Boycotting," and when this clause had passed they would have taken means for putting down public meetings. They had possessed themselves of power to bring murderers before what they conceived to be an impartial tribunal. On the heads of the Government rested responsibility for all the evictions that were taking place by the delay they had allowed to take place in the passing of the Arrears Bill. It was monstrous that hon. Gentlemen like the hon. Member opposite (Mr. T. E. Smith) should try in this matter to run with the hare and hunt with the hounds.

MR. CALLAN said, the feeling was increasing from day to day that the Arrears Bill should be brought forward, and that these sentences of death, which, in the form of evictions, were being passed upon the people from day to day, should be put an end to. The Government should give precedence to the Arrears Bill. The hon. Gentleman the Member for Tynemouth (Mr. T. E. Smith), who had something of an Irish constituency, and others, had given the right hon. and learned Gentleman the opportunity for which, with malice prepense, he had been waiting, when, some time ago, he said there was some force in the suggestion that they should have Urgency for this Bill. It was quite evident to anyone who knew the right hon. and learned Gentleman's antecedents that he would only be too glad of any excuse which would enable him to avail himself of that continuous Sitting to hurry the Bill through, for which he had all along been so very anxious.

MR. METGE said, they were not averse to proceeding with the discussion on this Bill if they were allowed to do so without being obliged to come down here to-day to a Morning Sitting. The answer the Home Secretary had given was that it was now too late to alter the decision of the Prime Minister; but that was the answer the Home Secretary invariably gave the House. This was the third or fourth time that a similar reply had been tendered. Why did he not think of it beforehand? The Government, no doubt, had intended to discuss this Bill until 3 or 4 o'clock in the morning. If they had made up their minds to do that, why had the Prime Minister brought forward his Motion; and if, on the other hand, they had not made up their minds to do that, why should they not now give way? If this sort of thing went on, hon. Members would have coercion on the brain.

Mr. PARNELL: Does the right hon. and learned Gentleman wish to take a division? It will only lead to further loss of time.

Sir WILLIAM HARCOURT: I should like to know what the feeling of the Committee is upon this question.

Question put.

The Committee *divided:*—Ayes 26; Noes 142: Majority 116.—(Div. List, No. 143.)

Motion made, and Question put, "That the Chairman do now leave the Chair."—(*Mr. Parnell.*)

The Committee *divided:* — Ayes 24; Noes 137: Majority 113.—(Div. List, No. 144.)

Mr. DILLON moved that Progress be reported. He was surprised at the action the Government were taking. He had understood the Home Secretary to say that he desired to obtain the opinion of the Committee, and not that he intended to continue to divide. Therefore, he supposed that when the next Motion was made the Government would acquiesce, as a matter of course, and that the Home Secretary was only making a demonstration of force against the Irish Members. They were taken by surprise by the second division; but he hoped the Government would now consent to report Progress, seeing that the appeal came not alone from the Irish Members, but also from influential supporters of the Government, who emphasized their appeal by leaving the House when the Home Secretary desired to take the opinion of the Committee. He saw several leave the House because they would not vote for the Government, and would not vote against the Government. It was thus plain that there existed outside the Irish Party a feeling that the right time had now come for reporting Progress; and, therefore, it was absurd to place the Irish Members in this position at 2 o'clock in the morning—that they were to be looked upon as Obstructionists. They were asking the Government to consent to report Progress—an hour later than usual— because they were threatened with a Morning Sitting. They objected to a Morning Sitting, and had stated that if there was to be no Morning Sitting they would go on till 3 o'clock; but in spite of their objections a Morning Sitting was fixed.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Dillon.*)

Sir WILLIAM HARCOURT said, it was quite true that he desired to ascertain the opinion of the Committee, and that opinion he had ascertained. He did not think the divisions that had taken place justified the boasts made as to the amount of support received from Gentlemen on the opposite Benches, for he believed that when the Division Lists came to be examined they would not show that the recruits from these Benches were numerous. The position in which the Committee was now placed illustrated what had long been the opinion of the Government—that a majority in the House was impotent in the face of a small minority. The hon. Member for Tipperary (Mr. Dillon) asked why he did not assent to the last Motion? The last Motion was one which would have defeated the Bill; therefore, it was natural that he should not assent to it. But he did not think to-night was the proper time to determine what course should be taken to facilitate the progress of Public Business. That question must be reserved for future consideration.

Mr. R. POWER said, he was glad to see that the Home Secretary had displayed an unusual amount of common sense; and when the right hon. and learned Gentleman spoke of his great majority, he would ask him to remember that in the first division 25 Irish Members voted for the adjournment, and only 10 against it.

Mr. ARTHUR O'CONNOR said, he considered these divisions no test whatever of the sense of the Committee. There were Members on the Government side of the House in favour of an adjournment who yet voted for a continuance of the debate. The hon. Member for Gloucester (Mr. Monk) strongly urged the Government to consent to the Motion, yet he supported the Government in the division. What, therefore, was the value of this division while it was perfectly well known that men voted in that House, not because they objected to the Motion, but because they must support the Government? But it should be remembered that the Irish Members had the heaviest part of the work to do upon this Bill, and that the matter concerned them the most closely. They had to be in the House more than any other section of the House, and as they had to be back again at 2 o'clock, they had a right to ask the House to consider their physical requirements.

MR. WARTON said, that as the Government were about to consider what steps they would take in the present position, he wished to make a practical suggestion, which was, that as murderers were stalking about the land, and evictions had not been suspended, they should let the Executive in Ireland act as if this Bill had been passed, and bring in a Bill of Indemnity.

Question put, and *agreed to.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

METROPOLITAN BOARD OF WORKS (MONEY) BILL.—[BILL 176.]

(*Mr. Courtney, Lord Richard Grosvenor.*)

SECOND READING.

Order for Second Reading read.

MR. COURTNEY, in moving that the Bill be now read a second time, said, he regretted having to make this Motion at such an advanced hour; but it appeared that the Motion must be made late, or at a later period of the Session, when it might be more inconvenient. He was encouraged to move the second reading because there was, practically, nothing new in the scope of the Bill. It was conceived on the lines of previous Bills, and contained no principle different from that in its predecessors. There were, no doubt, new loans sanctioned; but they had been already authorized by Parliament. A great part of those loans was necessary to carry out schemes which had been approved in the main this Session. The total sum contained in the Bill was £1,500,000, made up of loans for the Metropolitan District (City Lines) Railway, the management of Asylums, School Board management, and other undertakings. When the Bill was before the House last Session, in the last week in July, the question was raised of referring it to a Select Committee. His Predecessor (Lord Frederick Cavendish) expressed the opinion that the matter was one which might be favourably considered by a Select Committee, and promised this year to introduce the Bill at such a period that it could be referred to a Select Committee. The House could now consider whether that course should be adopted; and the next stage of the Bill he (Mr. Courtney) proposed to defer till Monday next, so that the question could be considered. During the interval he should be happy to confer upon the most convenient course with hon. Members. At the present moment, however, it seemed to him that it would be impossible to refer the whole subject to a Committee, because that would be nothing less than referring the whole of the financial action of the Metropolitan Board to a Committee, and such a reference would overtax any Committee that could be appointed. A Committee this Session could only consider a small part of the functions of the Metropolitan Board. This question, however, could not be very well considered at that hour of the night; but he should be happy to confer privately with hon. Members, and if they could come to any agreement hereafter, they could probably devise plans for working out what was a large and complicated question.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Courtney.*)

MR. WARTON said, he was not about to raise again a question which Mr. Speaker decided last year; but it seemed to him an abuse of the Standing Orders that a Bill which was really promoted by the Metropolitan Board of Works should be held technically to be promoted by the Government. He should not enter into that question; but it was a hardship upon other parties that the Board of Works should come in under the shelter of the Government and avail themselves of this technicality, against which he had protested last year. This Bill was nothing more than the annual budget of the Board of Works; and he wished to take the opinion of Mr. Speaker on the question whether the Board had a right, in this Money Bill, to introduce the 10th clause, which had nothing to do with money.

Mr. COURTNEY, on the point of Order, observed that this clause was included in last year's Bill, and sanctioned by Parliament and the highest authorities.

Mr. SPEAKER: It appears to me the clause in question is, in fact, part of the financial arrangements of the Bill, and I see no reason why the House should not agree to it, if the House thinks proper to do so.

Mr. MONK said, he thought it was much to be regretted that the Bill had been brought on at so late an hour, though the Secretary to the Treasury had made the best excuse he could for adopting that course. It was a Bill of great importance, for it was to enable the Board of Works to raise, by taxing the Metropolis, an additional sum of £3,217,000; but he would not examine into that now. He rose to say that last year he moved that a similar Bill to this should be referred to a Select Committee; and his hon. Friend the Secretary to the Treasury was not quite correct in his statement of what took place. He (Mr. Monk) withdrew his Motion, on the distinct understanding that the Bill this year should be referred to a Select Committee. The late Secretary to the Treasury said—

> "He hoped his hon. Friend would not press the Motion to a division, although he was very much inclined to agree with the object of it. It seemed very desirable that this Bill should be considered by a Select Committee."

And he went on to say—

> "He hoped the Bill would be introduced next year at such a period that it might be referred to a Select Committee."—[3 *Hansard*, cclxiii. 1726.]

Then the hon. Member for Chelsea expressed a hope that he (Mr. Monk) would withdraw his Amendment, on the distinct undertaking to refer the Bill to a Select Committee the next year, and on that distinct understanding he (Mr. Monk) then withdrew his Motion. Well, he really did not understand from the Secretary to the Treasury what were the objections to taking that course. He felt indebted to him for having brought in the Bill at a much earlier period than usual this Session, when there was plenty of time to have it so considered; and he thought that the hon. Baronet the Member for Truro (Sir James M'Garel-Hogg) would agree with him that it was not right that the Board of Works, which came for powers for raising a sum of £28,000,000 in the shape of taxes on the ratepayers of the Metropolis, should refuse to submit to Parliamentary control the raising and expenditure of such money. He would only say that he intended that evening to put down a Notice for a Select Committee, as well as an Amendment for the omission of Clause 10, to which the hon. and learned Member for Bridport (Mr. Warton) had taken objection. He also objected to Clause 8, which gave power to the Treasury to authorize a further expenditure of £300,000 without the consent of Parliament. If such a power was to be granted, he should object to the passing of the Bill without the examination of a Select Committee.

Sir JAMES M'GAREL-HOGG said, he did not think the hon. Member for Gloucester (Mr. Monk) quite represented the facts of the case. He must be aware that these Bills year by year simply embodied the powers that had been given by Parliament, over and over again in recent years, for the expenditure of money. If, as he gathered, his hon. Friend did not intend, on the present occasion, to divide against the second reading, but intended to take the view of the House as to a Select Committee, he would not at that hour discuss the Bill, beyond saying that it was a Bill which had been over and over again confirmed by Parliament; and there was not a single power in it that had not previously received Parliamentary sanction. He would point out to the House that the Board of Works were now in the midst of great and important contracts, and arrangements for improvements in streets, in drainage, and other matters, which would be hindered and delayed if they were to be submitted over and over again to a Committee of the House. Then the hon. Member talked of the increased powers given to the Treasury; but the hon. Member was paying no attention——

Mr. MONK said, he had heard all the hon. Baronet's observations.

Sir JAMES M'GAREL-HOGG said, the reason for asking these powers from the Treasury was this. The Board of Works, in their Bill, had confined their demands to the smallest limits; but if, in the course of their street improvements, bridges, and other matters, they should find it necessary to go beyond the powers given them, it was left to the Treasury to consent, should it think proper, and allow the Board to expend a small sum beyond that asked for by the Board.

Mr. FIRTH said, it was well understood last year, when his hon. Friend withdrew his Motion for a Select Committee, that the Bill should be referred to a Select Committee this year. It was a matter upon which not much was said by himself; but it was entered into, and he did ask his hon. Friend to withdraw his Motion on the understanding referred to. That was the best course to pursue before the House voted these large sums of money, which the people of London would provide, and in the disposal of which they had no voice. There was a sum of £100,000 for the Metropolitan Asylums Board, and he supposed if the people of London were consulted nine-tenths of them would vote against such a proposition. It was an extraordinary proposal that all this money should be voted without anyone knowing the reasons for it; but if the suggestion for a Select Committee were accepted, then that was a course that would result in the proposals becoming more public, and to the expression of representative views upon them.

Question put, and *agreed to.*

Bill read a second time, and *committed* for *Monday* 26th June.

MOTIONS.

SURREY TRIAL OF CAUSES BILL.

On Motion of Mr. Warton, Bill to provide for the Trial of Causes in the county of Surrey, *ordered* to be brought in by Mr. Warton and Mr. Henry H. Fowler.

Bill *presented*, and read the first time. [Bill 204.]

REAL AND PERSONAL ESTATE (ACCUMULATION OF INCOME) BILL.

On Motion of Mr. Davey, Bill to amend the Law relating to the accumulation of the income of real and personal estate, *ordered* to be brought in by Mr. Davey, Mr. Arthur Arnold, and Mr. Henry H. Fowler.

Bill *presented*, and read the first time. [Bill 205.]

CRUELTY TO ANIMALS BILL.

On Motion of Mr. Anderson, Bill to amend the Acts 12 and 13 Vic. c. 92, and 13 and 14 Vic. c. 92, for prevention of Cruelty to Animals, *ordered* to be brought in by Mr. Anderson, Mr. Samuel Morley, Mr. Jacob Bright, Mr. Passmore Edwards, and Mr. Buchanan.

Bill *presented*, and read the first time. [Bill 206.]

ANCIENT MONUMENTS BILL.

On Motion of Mr. Shaw Lefevre, Bill for the better protection of Ancient Monuments, *ordered* to be brought in by Mr. Shaw Lefevre and Mr. Courtney.

Bill *presented*, and read the first time. [Bill 207.]

House adjourned at Three o'clock.

HOUSE OF LORDS,

Friday, 16*th June*, 1882.

MINUTES.]—Public Bills—*Second Reading*—Poor Rates (113); Pier and Harbour Provisional Orders (No. 2)* (123); Artillery Ranges* (119).

Report—Places of Worship Sites Amendment* (77).

Third Reading—Municipal Corporations (Unreformed)* (140); Irish Reproductive Loan Fund Act (1874) Amendment* (120), and *passed.*

ARMY (INDIA)—CAPTAIN J. B. CHATTERTON, BENGAL STAFF CORPS.

MOTION FOR AN ADDRESS.

The Earl of GALLOWAY moved—

"That an humble Address be presented to Her Majesty praying that Her Majesty will be graciously pleased to approve of Captain J. B. Chatterton, removed compulsorily to the Half-pay List on 26th April 1869, being reinstated in the Bengal Staff Corps from that date in consequence of its now having been admitted, on further investigation into his case, that the grounds upon which he was thus compulsorily removed to half-pay, viz., the terms of the despatch from the Government of India, dated 5th January 1869, adverting to this officer having reported himself 'unfit for duty whilst medical opinion was against him' upon this point, have now been completely disproved by the whole medical evidence as reported in the despatch from the Government of India of 21st February 1881, which substantiates the fact that in lieu of any conduct on his part calling for animadversion, Captain Chatterton was acting under the special general order of the late Lord Sandhurst when Commander-in-Chief of Her Majesty's Forces in India, No. $\frac{1236}{\text{C.}}$, dated 15th March 1869, conveyed to him through the usual military channel."

The noble Earl said that nothing was more distasteful to himself than bringing before their Lordships a case of individual grievance; but this case had been the result of medical misapprehension, and it was right that it should be mentioned to the House. The reason why he had brought it forward was because Captain Chatterton was attached to the regiment in which he had served. The case would have been brought on in the other House of Parliament in the presence of the noble Marquess the Secretary of State for India; but there were sufficient reasons for knowing that a private Member could not bring forward any subject in that House. The case against Captain Chatterton appeared to be that he put forward complaints of illness, and that the Medical Boards in India did not agree in opinion in regard to those complaints, and then, when a request was sent home asking what was to be done in consequence, a summary order was issued compulsorily removing him to the Half-pay List. It did appear from the Papers that Captain Chatterton was ill at Calcutta, and that he was in the hospital there. The case had been before successive Secretaries of State, and they thought it should not be re-opened, but why he did not know, as it seemed to be a hard one.

VISCOUNT ENFIELD said, his noble and gallant Friend was quite right in saying that this case had occupied the attention of successive Secretaries of State for India and of the Indian Government; but he could not agree with him in thinking that there had been any misapprehension in the matter, nor did he think that Captain Chatterton had been treated otherwise than with patience, consideration, and strict justice. If, after hearing the remarks he had to make, their Lordships should be of the same opinion, he would ask them to say "Not Content" to the Motion. Lieutenant Chatterton entered the Service in 1856; he was placed on half-pay in April, 1869, after somewhat less than 14 years' service. During that period he was absent from India on medical certificates for six years and a-half. In 1868, having rejoined after a lengthened absence, much unpleasantness ensued between Lieutenant Chatterton and his superior officers, owing either to his inability or unwillingness to perform certain military duties, on the one hand the officer in question pleading physical inability to do his duty, on the other hand the medical evidence not bearing out these grounds for non-compliance with the orders the officer from time to time received. As a matter of fact, the Government of India accepted Lieutenant Chatterton's own version of his case, and, instead of bringing him to trial for alleged disobedience of orders and neglect of duty, they acted on his own asseverations, and considering that he had passed so much time on leave, and yet asked for another extension, they thought it best to place him upon half-pay. They could have done no more and no less in the case of any other officer similarly circumstanced as regarded the amount of previous leave that he might have had and the present doubtful state of his health. He could not understand how his noble and gallant Friend could look upon the despatch of February 21, 1881, in the way he had described it in the terms of his Motion, and in the remarks he had made in his speech. What were the facts? Towards the end of 1868 a Court of Inquiry was held as to why Lieutenant Chatterton failed to perform certain military duties; the officer's excuse was physical inability, owing to "a contraction of the left 'tendon Achilles.'" The Report of this Court was sent to head-quarters; the Commander-in-Chief addressed the Government as to the expediency of taking Lieutenant Chatterton at his own word with reference to his physical incapacity to serve, and removing him from the effective branch of the Service, as being totally unfit for the active duties of his Profession. Before the Government of India could take any action in the matter further difficulties arose with respect to Lieutenant Chatterton's non-performance of duty, the reason given by him being "palpitation of the heart." This further Report was sent on to the Government of India, and it was decided to recommend that Lieutenant Chatterton should be placed on half-pay. This officer was thereupon, in December, 1868, released from temporary arrest, under which he had been placed, and suspended from the performance of all military duties, pending the final official decision of the Government at home. Subsequently to these events, in March, 1869, Lieutenant Chatterton addressed a request direct to head-quarters, requesting to be allowed to choose his own medical attendant. To this the Adjutant General replied that—

> "Pending the orders of Government in his case he might consider himself on leave in Calcutta, and might consult any medical officer he pleased."

This permission, however, did not in any way affect the recommendation of the Commander-in-Chief made two months previously, that this officer should be placed on half-pay owing to ill-health. Lieutenant Chatterton, therefore, remained in Calcutta, availing himself of the Officers' Hospital in that city, and nominally still on the roll of his regiment, pending the final decision of the Government in his case. There was a medical and surgical Report of this officer's case made in the hospital at Calcutta, confirming the existence of weakness in the left ankle joint, but not confirming the presence of heart disease. Towards the end of the month of April the decision of the Secretary of State to place Lieutenant Chatterton upon half-pay was communicated to him, and he thereupon left hospital and returned to England. Since that time he had been in receipt of retired half-pay of £127 15*s.* yearly, the actual service performed by him falling short of eight years. Assuming that the conduct of this officer was irreproachable, that his services had been distinguished, and that he had become unfitted for work through devotion to his duty, he could have occupied no better position financially than he did now. Had the authorities in India granted him a third furlough, he would on his return to England have been placed on half-pay on precisely the same conditions as he was now. He did not wish in any way to reflect injuriously upon this officer's professional character; but he must maintain that there were no exceptional circumstances in this case to warrant such an act of Royal grace as the noble and gallant Lord in his Motion would suggest. He hoped, after what he had said, their Lordships would consider that Lieutenant Chatterton had not been treated harshly, with unkindness, or with injustice, and, therefore, that they would not consent to the Motion.

THE EARL OF GALLOWAY said, he was very anxious that it should not be supposed that there was any malingering in the case. After what he had heard from the noble Viscount he would not press his Motion to a division.

LORD ELLENBOROUGH said, Lieutenant Chatterton was clearly entitled to his passage, or the amount of it; and if the statements of the Under Secretary of State for India were correct, under all the circumstances this further grant might meet the justice of the case.

Motion (by leave of the House) *withdrawn.*

POOR RATES BILL.

(*The Lord Carrington.*)

(NO. 113.) SECOND READING.

Order of the Day for the Second Reading read.

LORD CARRINGTON, in moving that the Bill be now read a second time, said, its object was to remedy a defect of the law in reference to the payment of poor rates. In some cases occupiers paid rates for half-a-year in advance, and though they might leave their houses at the immediate quarter, and the premises remained empty, they were obliged to pay the full half-year's rates; but this Bill would make the occupier liable for only a proportionate part of the rates, and he might add that nothing would be recoverable from the landlord.

Moved, "That the Bill be now read 2ª."—(*The Lord Carrington.*)

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

PEACE PRESERVATION (IRELAND) ACT, 1881—SEARCH FOR ARMS.

QUESTION. OBSERVATIONS.

LORD FORBES asked Her Majesty's Government, Whether any organized search is being made for arms in the disturbed districts in Ireland; and, if so, with what results? The noble Lord said, he did not put the Question in any Party spirit, nor did he wish to import into it any controversial matter. All he wished was that, as arms were being largely carried in Ireland at the present time, as besides the murders and outrages of which they had heard lately, there had been, according to the official Returns, 396 cases of agrarian outrages during the month of May, the Statute enabling the Government to institute a search for arms should be put in force as generally as possible. Outrage, disorder, and terrorism were hanging like an unwholesome mist over that unhappy land; and although the Government were taking measures in "another place" to bring about a more satisfactory state of things, it might be some time before those measures were completed; and, in the meantime, it was desirable that the Executive should avail themselves of all the powers now at their disposal. They might be availing themselves of the powers conferred on them last year to some extent; and it was to ascertain the exact manner in which they were putting them in force that he brought forward his Question. It was quite plain that all the outrages which had been committed in Ireland had been committed with guns and revolvers, save and except the horrible murders in the Phœnix Park. Landlords, magistrates, ladies, land agents, and farmers had been shot in all places and at all seasons. On the moors and in the coverts of England and Scotland there was close time for game; but in Ireland for the landlords and their agents there was nothing of the kind. These fearful outrages were committed on all days of the week—Sundays included. Nor, in this war against the landlords, were the landlords or their agents the only persons who suffered. Sometimes it was a car-driver; and only recently a poor corporal had met with his death, not on the field of battle, but at the hands of skulking assassins, who fired at him from behind a wall. The worst feature of these outrages was that they were now of frequent occurrence, and in daylight. There had been an elevation in rank in connection with these distressing occurrences. "Captain Moonlight" having been raised now into "General Daylight." He would suggest that the Government should fix a certain day and a certain time for a general search for arms throughout Ireland. It might be said that he, as a Scotch Peer, had no connection with Ireland. It was true that he had no very direct connection with the country; but he felt very keenly with the loyal and respectable classes there; and, as a matter of fact, one of the noble houses in Ireland had descended from his own ancestors. If the question agitating Ireland were simply one of land, he should not have come forward in any way. They were all, of course, interested in seeing that the laws affecting the land in England, Ireland, and Scotland were not relaxed; but this was a question of blood, and he, as a Member of the House of Lords, felt himself impelled to take his present course, in order to clear himself from all complicity in the horrible outrages that were occurring in Ireland.

Lord CARLINGFORD (Lord Privy Seal): I am afraid the noble Lord overrates the effect of searches for arms in Ireland upon the horrible assassinations which have from time to time taken place there. I am afraid that under no possible system of searching for arms, or an Arms Act, however strict it may be, is it possible so to denude a district of firearms as to prevent the possibility of assassination. At the same time, I entirely agree with the noble Lord that the stringent enforcement of the Arms Act, or whatever form of that Act may be in force, is absolutely necessary, and that searching for arms is one of the proceedings which the Irish Executive is bound to take in disturbed districts. I know that the Lord Lieutenant is using all the powers at present at his command for the purpose of suppressing crime in these districts; and I know from the Irish Government that searches for arms have taken place, and do take place, though the result, I am informed, has not come to much as to the number of weapons discovered. But, as the noble Lord has said, the Bill which is now passing through the other House contains a more stringent, and, indeed, a much more efficient, provision with respect to the possession of unlicensed arms and searches for them. We are anticipating the arrival of the Bill containing these provisions in this House, and I only hope that it may reach us before long.

ENTAILS (SCOTLAND).

QUESTION. OBSERVATIONS.

The Earl of MINTO asked Her Majesty's Government, Whether they are disposed to supplement the information proposed to be obtained from the Returns moved for in this House on Tuesday last on the subject of Scottish Entails by ascertaining the value of the lands under entail in Scotland under the several categories of the proposed Returns, the names of the existing heirs in possession thereof, and in what districts such lands are situated? The noble Earl observed that the Returns moved for a few days ago would be, no doubt, extremely valuable, and he desired to express his satisfaction that a promise had been obtained that they would be given. He believed the Returns might, with great advantage to the public of Scotland, be made fuller, especially in the direction he indicated in his Question. A grievance had been made out of this subject on behalf of the occupying tenantry, the statement being that on entailed land there was less prosperity than on unentailed land; but he thought it would be found that if they had the means of ascertaining what lands were entailed and not entailed, the prosperity of the former class of land was as high as the other. He did not wish to throw cold water on the Bill before the House; but he thought it was very desirable that further facilities should be given to ascertain the real facts of the case, and they should know whether the operation of this legislation would be felt over a small or a large portion of Scotland. He wished to know if the Government would produce information of the kind he had mentioned?

THE EARL OF ROSEBERY: I quite agree with my noble Friend that the Returns which he asks for would be useful; but I think he will not be disposed to hinder the publication of the Returns which were moved for by the noble Earl (the Earl of Camperdown), who I do not see in his place. I telegraphed as soon as I read my noble Friend's Notice to Edinburgh, and I find that the furnishing of these Returns he asks for would be attended with considerable delay. I therefore cannot promise them; but if he will be satisfied with my assurance that I will make inquiry into the matter at once, and see if they can be furnished in time to be of any use, and, if so, I shall do my best to furnish them.

House adjourned at half past Five o'clock, to Monday next, a quarter before Eleven o'clock.

HOUSE OF COMMONS,

Friday, 16*th June*, 1882.

The House met at Two of the clock.

MINUTES.] — PRIVATE BILLS (*by Order*)—*Considered as amended*—London Street Tramways Extensions*.

Third Reading—London and South Western Railway*, and *passed.*

PUBLIC BILLS — *First Reading*—Imprisonment for Contumacy* [208].

Committee—Prevention of Crime (Ireland) [157] —R.P. [*Thirteenth Night*].

Report—Local Government (Ireland) Provisional Orders (No. 5)* [175].

Considered as amended—Local Government Provisional Order (No. 11)* [186].

QUESTIONS.

VACCINATION ACT—CALF LYMPH.

DR. CAMERON asked the President of the Local Government Board, What has been done in fulfilment of his promise to provide a public supply of calf lymph for the vaccination of those who preferred it; if he would state at what date the Government calf lymph establishment was opened; how many points and tubes of preserved lymph have been distributed from it; what arrangements have been made for its distribution to public vaccinators and medical practitioners; what arrangements, if any, have been made for calf-to-arm vaccination at a public station or stations; and, how many children have been vaccinated by public vaccinators direct from calf to arm?

MR. DODSON: A permanent vaccine station has been established at Lamb's Conduit Street, under the management of Dr. Cory, providing regular calf-to-arm vaccination, and giving opportunity for the vaccination of children direct from the calf twice a-week. In the first instance great difficulties were experienced in obtaining suitable premises; but temporary accommodation was obtained at Notting Hill, and lymph began to be distributed last summer from calves vaccinated there. Since July last lymph has been obtained to the amount of 2,106 points and 78 tubes, of which 1,672 points and 51 tubes have been distributed. It is supplied to public vaccinators, and to other registered medical practitioners on application, free of charge. Since the Lamb's Conduit Street station was opened in March, 37 children have been vaccinated there direct from the calf.

ELEMENTARY EDUCATION (SCOTLAND)—THE ISLAND OF LEWIS.

DR. CAMERON asked the Vice President of the Council, Whether his attention has been called to a notice in Gaelic and English, dated Chamberlain's Office, Stornoway, March 8th, and circulated among the crofters of the Island of Lewis, to the effect

> "That children who do not regularly attend school and make up the requisite number of attendances, and be present at the examination of the school, put the ratepayers and the School

Board of the parish to the loss of the Government grant;"

and that therefore

> "Children once entered on the admission register of the school, who fail to make up the requisite number of attendances, or who are not present at the examination of the school this year, their parents will have to pay with their first rent the sum of 18*s.* for each child who may thus fail in attendance;"

and, whether the same gentleman who is Chamberlain of Lewis is also Chairman of all the School Boards in the island; and, if so, whether the Education Department will take any steps in the matter?

Mr. MUNDELLA: I have seen the notice to which the hon. Member refers, and as it is a question between landlord and tenant, and not between the Department and the school board, I have no right to interfere. I understand that the Chamberlain has been re-elected Chairman of the four school boards since the issue of this notice, and that his sole object in issuing it was to insure regularity of attendance, and to prevent loss to the ratepayers through absence of children on the day of inspection. I understand that any fines inflicted will be paid into the school fund; but I hope the local authorities (who have been very remiss hitherto) will so discharge their functions as to render such fines unnecessary.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PRISONERS DETAINED UNDER THE ACT.

Mr. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the case in which James M'Govern, Thomas M'Govern, and Owen Maguire, who were arrested on the 7th instant, and charged with being

> "Accessory to a crime punishable by law, that is to say, shooting at and wounding a certain person with intent to murder him,"

is the one in which an attack was made on one William Trimble, on the 31st ultimo; and, whether he is aware that the prisoners declare they are able to prove their entire innocence of the crime, and if he will give the prisoners an opportunity of proving their innocence?

Mr. TREVELYAN: The grounds stated for the arrest of these men in the warrants under which they are detained will be laid before the House in due course, as provided by the Act, and I cannot give the hon. Member the supplemental information he asks for. I have received a letter from James M'Govern, making the allegation contained in the last paragraph of the Question, and have forwarded it to His Excellency the Lord Lieutenant.

Mr. O'SHEA asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the cases of all suspects from the county Clare have now been reconsidered; and, if so, how many of those suspects His Excellency the Lord Lieutenant has decided to retain for the present in custody?

Mr. TREVELYAN: In reply to this Question, the Lord Lieutenant authorizes me to say that he has been, and still is, considering the cases of all the prisoners arrested in the County Clare, and in any case in which he considers he can do so with safety to the peace of the district he orders the prisoner's release.

Mr. O'SHEA asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has received testimonials from gentlemen of position in the county, as to the high character borne by Mr. Daniel O'Loughlin, of Lisdoonvarna, late master of the Ballyvaughan (county Clare) Workhouse, who, together with Mr. Denis Hogan, of Ballyvaughan, was on the 17th ultimo sent to Galway gaol for six months by Mr. Wilfred Lloyd, R.M. under a Statute of Edw. III.; and, whether those prisoners may hope for release, or for a mitigation of their punishment?

Mr. TREVELYAN: I have received through the hon. Member testimonials as to the character of Mr. O'Loughlin. In his case, and that of Mr. Denis Hogan, there were appeals to the Queen's Bench, which were dismissed and the committals upheld, and His Excellency has not considered the cases with a view to any mitigation of the sentences.

Mr. O'SHEA asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, having regard to the present peaceful state of the neighbourhood, His Excellency the Lord Lieutenant will withdraw the warrant, if any, against Mr. J. Malone, of Tomgraney, county Clare?

Mr. TREVELYAN: If the hon. Member refers to a warrant under the Protection Act, I can promise him that such warrant will not be executed if Mr. Malone does not commit any further act calling for its execution. Mr. Malone is at present in custody on remand under the ordinary law, charged with writing a threatening letter.

MR. O'SHEA asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, in view of the high testimony to character, and the recommendations (including that of his employer, Captain O'Callaghan, a magistrate and deputy lieutenant of the county), in the case of Mr. Whelan, of Ballinahinch, County Clare, His Excellency the Lord Lieutenant finds himself in a position to order Mr. Whelan's release?

MR. TREVELYAN: His Excellency yesterday considered all the facts of this case, and decided that he could not at present order Mr. Whelan's release.

MR. O'SHEA asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether His Excellency the Lord Lieutenant has considered the strong recommendations in favour of Mr. T. M'Kenna, of Ogonelloe, which have been submitted at various times; and, whether His Excellency the Lord Lieutenant is in a position to comply with them, and to order his release?

MR. TREVELYAN: His Excellency has this day ordered Thomas M'Kenna's release.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, If there is any reason for the continued detention of Mr. John Ladrigan in Kilkenny Gaol, who was arrested at Rockchapel, county Cork, on the 17th February; and if it is not the fact that his district is quite peaceable; and, if John M'Namara, of Tulla, county Clare, is still confined in Kilmainham Gaol, and if the Lord Lieutenant has re-considered his case?

MR. TREVELYAN: The case of Mr. John Ladrigan is now under the Lord Lieutenant's consideration. John M'Namara was released on the 8th instant.

ARMY (AUXILIARY FORCES)—ADJUTANTS.

MR. MAC IVER asked the Secretary of State for War, Whether Adjutants of the Auxiliary Forces, who do not draw an allowance in kind from any mess, may be exempted from the reduction of commuted allowances for fuel and light, and receive that granted to Staff and Departmental officers; whether the mess allowance, at the rates granted to individual officers of the Royal Engineers away from their mess, on duty, may be extended to Adjutants of Auxiliary Forces; why Adjutants of Auxiliary Forces receive smaller commuted allowances than Departmental officers of the same relative rank, being similarly situated to them as regards deprivation of mess, quarters, servant, fuel, and light; and, why Adjutants of Volunteer Artillery, who draw no extra pay, and draw only the same forage allowance as Adjutants of Engineer and Rifle Volunteers, are called upon to provide themselves with horse appointments of Cavalry pattern, which are much more costly than Infantry pattern, while all other Artillery Captains and Subalterns who have to use horse appointments (without extra pay) are provided therewith from the public stores?

MR. CHILDERS: In reply to the hon. Gentleman, I have to say that the emoluments of the Adjutants of Auxiliary Forces have been increased lately, after full consideration; and I am not prepared to change the particular allowances enumerated in the Question on the mere ground that Staff or Engineer officers draw higher rates. Adjutants of Volunteer Artillery have to provide themselves with horse appointments of Artillery, not Cavalry, pattern. They are not supplied from public stores, because the Adjutants are appointed for five years. Officers of Artillery, who are so supplied, are liable, at short notice, to go to dismounted duty.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—INTIMIDATION AT MILTOWN MALBAY.

MR. O'SHEA asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has received information that, notwithstanding a well known feud in the neighbourhood, and recent evictions of leaseholders, all intimidation has been abolished at Miltown Malbay, county Clare; and, whether His Excellency the Lord Lieutenant can, therefore, see his way to the release of the suspects from that place who are confined on suspicion of connivance in intimidation?

MR. TREVELYAN: His Excellency is glad to learn that the state of affairs at Miltown Malbay has much improved, and he has been able favourably to consider the cases of several prisoners from that locality, and is still considering others. There are a few, however, whose discharge he cannot consistently with his duty at present order.

POOR LAW (IRELAND) — KILDYSART UNION — ELECTION OF CHAIRMAN OF BOARD OF GUARDIANS.

MR. O'SHEA asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Local Government Board has received a second protest from the majority of the Kildysart (county Clare) Board of Guardians as to the unusual punctuality of the meeting at which a minority consisting, according to one version, of three, and according to another of two, guardians, recently elected a chairman of the board; and, if so, whether the Local Government Board has considered the protest worthy of notice?

MR. TREVELYAN: The Local Government Board did receive protests from certain of the Guardians of the Kildysart Union in reference to the subject of this Question, and, having considered the matter, sent their reply to the clerk of the Union on the 15th of April.

THE FACTORY ACTS—LEAD POISONING.

MR. BURT asked the Secretary of State for the Home Department, Whether he has any objection to instruct the Inspectors of Factories and Workshops to attend coroners' inquests held on persons who lose their lives from lead poisoning, in the same way as the Inspectors of Mines watch inquests into deaths from accidents in mines; also, if the inquiry into the question of lead poisoning, promised some time ago, has yet been completed; whether he can state the result of the investigation; and, if he will lay any Papers relating to the subject upon the Table of the House?

SIR WILLIAM HARCOURT, in reply, said, that the Factory Inspectors did attend inquests on persons killed in factories, when they received sufficient notice. He thought it would be well to issue a Circular to Coroners, asking them on every such occasion to communicate with the Factory Inspector. There would be no objection to the production of the Papers mentioned in the Question.

STATE OF IRELAND—ALLEGED RIOTS BY SOLDIERS IN BELTURBET.

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to riots by soldiers in Belturbet on the 3rd instant, in which they, to the number of about thirty, armed with stable forks, fireirons, &c., attacked and dangerously wounded several peaceable citizens; how did these men get out of barracks; what steps, if any, were taken by the officer in charge to quell the riot; whether an inquiry into the whole case has been made by the military authorities; and, if so, what punishment was awarded; whether the Constabulary authorities considered the affair of such consequence as to demand the presence of additional police force in the town on the following day, with the view of protecting the inhabitants, as the soldiers in question once before threatened to wreck the town; whether on Sunday the 4th, the magistrates who had taken the depositions of one of the injured men refused to deliver up to the custody of the Constabulary the soldiers sworn to have been participators of the riots; and, whether the police entered their protest against the conduct of the magistrates in thus departing from the usual custom in cases of aggravated assault?

MR. CHILDERS: As the Question refers to the conduct of the military, I will answer it. The reports of the disturbance at Belturbet are so conflicting that a special Report has been called for as to the whole facts of the case. As cross-summonses in the matter appear to have been issued, it would not be at present for the public interest to give any further information as to the action of the military and civil authorities.

NAVY—INSPECTOR OF MACHINERY IN THE CHANNEL SQUADRON.

CAPTAIN PRICE asked the Secretary to the Admiralty, Why the appointment of Inspector of Machinery in the Channel Squadron has been done away with, and by whose advice?

MR. CAMPBELL-BANNERMAN: There has been no reduction in the establishment of Inspectors of Machinery.

The officer who held that position in the Channel Squadron has been transferred to Bermuda, taking the place of the chief engineer at that station, whose time had expired; the reason being that it had been found from experience that there is more need for the services of an officer of that rank at Bermuda than in the Channel Squadron.

EGYPT (POLITICAL AFFAIRS) — THE RIOTS AT ALEXANDRIA.

MR. ONSLOW, in whose name the following Questions stood on the Paper —namely, To ask the Under Secretary of State for Foreign Affairs, Whether it is true that the officers and men of Her Majesty's ship "Superb," who were killed in the recent émeute at Alexandria, were buried at sea; and why it was that they were not buried at Alexandria; whether Her Majesty's Government has warned English subjects at Cairo that their safety is dependent on Arabi Bey; and, what arrangements have been made by Her Majesty's Government for receiving on board any ships the large number of European refugees now endeavouring to leave Egypt;" said, that before he put his Questions he rose to a point of Order. He gave Notice yesterday of three Questions, the manuscript of which he now held in his hand. The second Question, as he gave Notice of it, was in these words:—Whether Her Majesty's Government has warned English subjects in Cairo that, considering that their safety is dependent upon Arabi Pasha, the safest course for them would be to leave Egypt? The point of Order he wished to raise was whether, having given Notice of that Question, and the Under Secretary of State for Foreign Affairs not having challenged its form, and the Speaker not having told him that it was not in Order, it was competent for the Clerk at the Table, without the cognizance of the Member giving such Notice, to alter the language of the Question. He made this inquiry, because he found that his Question, as it now appeared on the Paper, had been materially altered.

MR. SPEAKER: It is quite impossible for the Speaker to say at once when Notice is given of a Question that every phrase of that Notice is in Order. The Questions of the hon. Member were brought to the Table, and were subjected to revision in accordance with the Rules of the House; and no doubt an expression was struck out of the Question on the ground that it was an expression involving matter of controversy. I have no hesitation in saying that, if an opportunity had been afforded to the Clerk at the Table to communicate with the hon. Member, he would have done so. It is the practice of the Clerk at the Table, whenever an alteration is made in a Question by my authority, to communicate the grounds of the alteration to the hon. Member who had given the Notice.

MR. NEWDEGATE asked whether, when the Clerk at the Table found that a Question was not, as he thought, within the Rules of Order, it would not be more consistent with the practice and the dignity of the House that the Question should be altogether omitted from the Paper?

MR. SPEAKER: I scarcely think that this Question is one of Order; but it strikes me that if that course were taken it would produce much more dissatisfaction than the present practice.

MR. HEALY: Perhaps, Mr. Speaker, when there is so much divergence of opinion among hon. Members on this subject, you will inform them where the Rules of the House as to the putting of Questions are to be found?

[No answer was given to the Question.]

MR. ONSLOW said, that, of course, he bowed to the Speaker's ruling; but he might observe that he had not put the Question down as a matter of controversy at all. He now put the Question as it stood on the Paper.

SIR CHARLES W. DILKE: With reference to the burials at sea, the Foreign Office have heard of the fact from the Admiralty, to which Department I must refer the hon. Member for a reply to that portion of his Question. Sufficient vessels are chartered, and at the disposal of Sir Beauchamp Seymour, to provide for the removal of all British subjects who wish to leave.

MR. ONSLOW: Are the boats of the Fleet employed, or to be employed, in carrying away European refugees?

MR. CAMPBELL-BANNERMAN: I cannot say. That is a matter which is left to the discretion of Sir Beauchamp Seymour. Transports have been engaged for the purpose of conveying from Alexandria any British subjects who may desire to leave. The last vessel engaged will arrive there to-day, and the transports will afford accommodation for 4,500 persons. We have received a telegram from Sir Beauchamp Seymour, saying that the accommodation thus provided is, in his opinion, sufficient for what is required.

Mr. W. H. SMITH: Where are the refugees to be conveyed to? To Malta, or Cyprus, or where?

Mr. CAMPBELL-BANNERMAN: That I do not know, and cannot say. It depends on the nationality, or rather the origin, of the refugees, and that matter also is in the hands of Sir Beauchamp Seymour. [Sir Drummond Wolff: Hear, hear!] Well, I do not how it would be possible for the Admiralty to know where the British subjects in Alexandria wished to be taken. It is our duty to provide transports where they are required, and that has been done to an extent, I believe, somewhat in excess of the actual requirements of the case. As to the Question of the burial of those who, unfortunately, were killed, that is a matter of which we have merely learned the fact. We have received no Report from Sir Beauchamp Seymour; and, in fact, there has not been time to receive any despatch stating the reasons for that course being taken. It would be very easy to give hypothetical reasons; but, because they are hypothetical, I do not think it would be desirable to state them.

Sir STAFFORD NORTHCOTE: I wish to ask a Question arising out of the answer given just now by the Under Secretary in connection with the Notice I gave him yesterday. I wish to ask him what arrangements have been made, or whether any arrangements have been made, for the security of British subjects in Cairo, and, I would add, in other parts of Egypt; and, whether there is anyone connected with the Government at Cairo with whom they could communicate in case of necessity?

Sir CHARLES W. DILKE: The hon. Member for Northampton (Mr. Labouchere) has given Notice of a Question similar to the last Question put by the right hon. Baronet; and, a sa matter of courtesy to him, perhaps I should defer answering it until his Question comes on. As regards the first Question of the right hon. Baronet, he must be aware that as Cairo is not a seaport, and we are not in military occupation of the country, we cannot give immediate protection at Cairo; but this would not diminish the responsibility of the *de facto* authority in Egypt if outrages on British subjects were committed.

Mr. ONSLOW: Are the refugees put on board ship to pay for their board and lodging?

[The Question not having been answered,]

Mr. ONSLOW: I beg to give Notice that on Monday I will repeat the Question.

Mr. CHAPLIN asked the Under Secretary of State for Foreign Affairs, If he can state the date when the earthworks were first commenced at Alexandria, and how long a period elapsed, after the commencement of those works, before the guns were mounted; what communications the Government received from the Admiral in command of the Fleet with respect to those works during that interval; and, whether he will lay those communications upon the Table?

Sir CHARLES W. DILKE: The construction of earthworks appears to have begun at daylight on the 29th ultimo. On the 4th of June, the Admiral reported by telegraph that two guns had been mounted that morning. Very brief telegraphic communications on the subject of the earthworks were received between these two dates. I should see no personal objection to the despatches from the Admiral upon this subject being included in the Papers; but the question is one for the Admiralty to decide.

Mr. LABOUCHERE asked the Under Secretary of State for Foreign Affairs, Whether there is a Diplomatic or Consular Agent of Her Majesty now at Cairo to protect British subjects there; and, whether, if so, he is instructed to hold official communications with Arabi Pasha?

Sir CHARLES W. DILKE: Yes, Sir. There is a Consular Agent at Cairo. He has not received any instructions from the Foreign Office with regard to his official communications, and the instructions which Sir Edward Malet may have given him are not yet in our hands.

Mr. O'KELLY asked the Under Secretary of State for Foreign Affairs, Whether the list of killed which he read to the House includes the names of all Her Majesty's subjects killed during the riot at Alexandria?

SIR CHARLES W. DILKE: The list telegraphed and read by me was one of British-born subjects killed. To prevent any possibility of omission, we have telegraphed to know whether, under that title, all subjects of Her Majesty were included?

MR. M'COAN asked the Under Secretary of State for Foreign Affairs, Whether, in sending the troops now said to have been telegraphed for by the Khedive and Dervish Pasha, the Sultan will do so as Sovereign of Egypt or as mandatory of the European Powers; and, whether any, and what guarantee has been taken by the Powers that the intervention thus made by the Porte shall be strictly limited to, and cease with, the suppression of the present revolutionary movement?

SIR CHARLES W. DILKE: I already informed my hon. Friend yesterday that I should be unable to answer this Question. I may say, however, that it has been a matter of discussion among the Powers.

LAW AND POLICE—PROCESSIONS OF THE SALVATION ARMY.

MR. M'LAREN asked the Secretary of State for the Home Department, having regard to his letter of last year, addressed to magistrates, directing them to restrain the processions of the "Salvation Army," and having regard to the recent decision of the Queen's Bench Division of the High Court, in the case of Beatty v. Gillbanks, declaring the processions of the "Salvation Army" to be "perfectly legal," what steps he proposes to take towards undoing the effect of that letter?

SIR WILLIAM HARCOURT: This Question is put under some misapprehension. I have frequently explained that the Home Office does not issue directions to the magistrates. I often hear of Circulars from the Home Office. The Home Office never issues Circulars, except when it is asked for information. What it does when magistrates consult it is to give them the best advice in its power in the particular cases with regard to which it is consulted. Papers on the subject are already on the Table of the House; and the hon. Member will see from them that for the last 20 years the Home Office has given the same advice to magistrates who have consulted it, that advice being founded on the opinion of successive Law Officers of the Crown. I have not, as my hon. Friend knows, in consequence of the pressure of Business, had an opportunity of particularly examining the legal decision to which he refers, as to whether it does or does not conflict in any way with the opinion which has been given by the Law Officers to which I have referred. From a cursory view, I should say no; but I have directed the matter to be referred to the Law Officers for their opinion. All I can say is, that I should extremely regret if it should turn out to be the law that magistrates have not the power to prevent by anticipation collision between party processions; because, although in some places there might be an overwhelming force of police to prevent disorder, in places where the police force was weak that state of things would inevitably lead to confusion and disorder. When I have had the advantage of the opinion of the Law Officers of the Crown on the subject, I shall be able to give some information with regard to it.

MR. HEALY asked whether the Statute of Edward III., which was now being applied in Ireland for the maintenance of the peace, would apply to England also?

SIR WILLIAM HARCOURT said, he had not had an opportunity of considering the Question.

MR. M'LAREN said, that next week he should put another Question on this subject.

MR. R. H. PAGET asked whether the Home Secretary would communicate the opinion of the Law Officers to the House.

[No reply was given.]

EVICTIONS (IRELAND)—LORD CLONCURRY'S TENANTS—ERECTION OF HUTS.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been directed to a paragraph in the "Standard" and "Freeman's Journal," of yesterday, by which it would appear that the permission granted by the Lord Lieutenant to erect huts for Lord Cloncurry's evicted tenants has been revoked; and, whether there is any truth in the paragraph?

MR. TREVELYAN: No, Sir. The permission has not been revoked.

MR. PARNELL: Then there is no foundation for the rumour that the erection of the huts has been interfered with?

MR. TREVELYAN: There is no foundation for the rumour.

Subsequently,

MR. TREVELYAN said: I do not know whether I should be in Order if I took this opportunity to amplify the answer which I have given to the hon. Member for the City of Cork. I wish to add that one of the most able special magistrates in Ireland—one who has succeeded as well as any special magistrate in the management of his district —gave the Lord Lieutenant the advice that in the case of these huts for sheltering evicted tenants he himself acted on the principle that, wherever there was any reason to apprehend they would be used for purposes of intimidation, a police hut should be erected with them. The Lord Lieutenant, after consultation with the special magistrates, had directed that that system should be adopted.

MR. GIBSON asked if these huts would be erected on the same spot as those erected for the purpose of intimidation would have been had that been allowed?

MR. TREVELYAN said, that was an was an important Question, to which he could not then give a reply. He would answer on Monday, and he hoped that would be sufficient for the right hon. and learned Gentleman.

MR. J. LOWTHER asked whether, since the Lord Lieutenant had come to the decision referred to by the right hon. Gentleman, huts might now be erected under all conditions for evicted tenants, provided that protection was afforded against intimidation?

MR. TREVELYAN: It is difficult to explain without raising a debate; but I may say that the reports of the special Resident Magistrates prove very clearly that there has been a divergence of opinion on the subject. One set of magistrates stated that all huts were intended for purposes of intimidation, and others stated that that was not so. The Lord Lieutenant has decided that, where the special Resident Magistrate of the district held out any apprehension of intimidation, the best way would be to have police huts also erected. In the present state of Ireland, I feel myself justified in saying that that decision was received with satisfaction by eminent officials whose names, were I to give them, would carry conviction.

MR. O'DONNELL asked whether these magistrates, among whom there was such a divergence of opinion, would be chosen to exercise summary powers under the Coercion Act?

[No reply was given.]

NEWSPAPERS—INCITING LANGUAGE —THE "GLASGOW HERALD."

MR. HEALY asked the Secretary of State for the Home Department, Whether it is the fact that the editor of the "Freiheit" was prosecuted and convicted for general incitement to assassination; if his attention has been called to the following from the "Glasgow Herald":—

> "To govern an Irishman you must get him down, then you must kick him till he can't get up, then you must sit on him in case he comes to;"

and, whether the Government will consider the advisability of prosecuting that journal for recommending the murder and ill-treatment of Irishmen?

SIR WILLIAM HARCOURT: I have no knowledge of the paragraph except what I have in this Question. If the hon. Member wishes for my opinion upon it, I will say I object very much to strong language being employed to any class of Her Majesty's subjects, including Irishmen as well as others; but then the hon. Member must take it that I include in that statement all classes of Irishmen, including even magistrates and constables. No strong language should be employed; but when the hon. Member asks me to compare it with the language of *The Freiheit*, all I can say is that the two things do not seem to be at all parallel.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — RELEASE OF PERSONS DETAINED UNDER THE ACT.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, as there are still in prison in Ireland ninety-one "suspects" who are not suspected of association with crime, and considering the length of time that has elapsed since the decision of the Government to set such "suspects" at liberty was announced, he can say that the releases of these ninety-one persons will now be steadily proceeded with in every case in which it appears to the Lord Lieutenant that the release of any particular "suspect" will not prejudice the condition of his district?

Mr. TREVELYAN: This Question only appeared this morning, and I have consequently been unable to consult the Lord Lieutenant in reference to it. I can, however, state that the cases of all the persons in the category mentioned in the Question are being considered by His Excellency; and from time to time he orders the release of those in respect of whom he is satisfied that such order may be made without danger to the peace of the district.

Mr. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the fact that Patrick Kelly, of Geevagh, County Sligo, was arrested on Sunday last, conveyed to Galway Gaol, and imprisoned there under a warrant of the Lord Lieutenant dated thirteen months ago; whether this arrest was made with the concurrence of the heads of the Irish Executive; and, whether, in view of the adoption and development of the policy of release, it is the intention of the Irish Executive to hold Mr. Kelly in custody?

Mr. TREVELYAN: Patrick Kelly has been arrested as stated in the Question. The arrest was made without communicating with the Government, and His Excellency is now making inquiry as to the necessity for Kelly's detention.

Mr. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that Mr. J. P. Quinn, imprisoned under the warrant of the Lord Lieutenant, was removed some time ago from the prison of Kilmainham to the prison at Enniskillen, and has now been again removed from Enniskillen to Kilmainham, or that an order for such second removal has been made; and, if so, what is the reason?

Mr. TREVELYAN: Mr. Quinn was removed last March from Kilmainham to Enniskillen for certain reasons which no longer exist, and His Excellency has thought it right now to remove him back to Kilmainham.

EVICTIONS (IRELAND)—DEATH FROM EXPOSURE AFTER EVICTION AT RHODE, KING'S CO.

Mr. MOLLOY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that Mr. Gowing, coroner, attended at Rhode, King's County, on Wednesday last, to open an inquest upon the body of a child, aged twelve months, who died from exposure after an eviction; that if, at the time of the eviction, the infant was suffering from measles, and in a dangerous state; whether the Sub-Inspector, Mr. Caulfield, wrote to the coroner stating he had not time to summon a jury, although he had received the coroner's warrant at 8 a.m. on the previous Tuesday; if the coroner had ordered the exhumation of the infant's body, and had stated that he must now leave the matter in the hands of the Government; whether, at the time of the eviction above alluded to, the resident magistrate prevented the erection of temporary buildings to shelter the evicted; and, what steps the Government will take as against the neglect of the Sub-Inspector, and as to the prevention to erect some shelter for these evicted persons?

Mr. SEXTON had a Question on the Paper to the same effect.

Mr. TREVELYAN: This Question and that of the hon. Member for Sligo following relate to the same subject, and both appeared for the first time this morning. I have called for immediate Reports, but cannot possibly reply to the Questions to-day.

EGYPT (POLITICAL AFFAIRS).

Mr. BOURKE asked the First Lord of the Treasury, Whether His Majesty the Sultan has shown any indisposition to take those measures which the Governments of England and France have suggested to him for the restoration of order in Egypt, and the maintenance of the authority of the present Khedive; whether he will state the reasons which have induced Her Majesty's Government to press upon the Sultan his assent to a Conference; and, whether Her Majesty's Government will join in any demand which the Powers may make upon the Sultan to act as their mandatory instead of as Sovereign of Egypt?

Lord EUSTACE CECIL: Before the Question is answered, I should like to ask when it is likely that the measures which the Governments of England and France have suggested for the restoration of law and order in Egypt will be before the House?

Mr. GLADSTONE: Sir, with respect to the last Question, I do not know quite what is the meaning of it. The measures that have been taken by the Governments of England and France, or by England or France, will appear, of course, in the Papers that are in preparation. If the noble Lord means to ask whether the measures which the Government will recommend to the Conference will be in possession of the House, it would be premature for me at the present time, when the date for the Conference has not even been fixed, to make a statement on the matter. With respect to the Question of the right hon. Gentleman (Mr. Bourke), I thank him for calling my attention to the subject last evening. With respect to the first part of the Question, the Government has never at any time made a complaint of the indisposition of the Porte to take the measures which have been suggested to it by the Governments of England and France. I stated on Tuesday very emphatically, that at the present moment our relations with Turkey were very satisfactory, and that there was a strong spirit of co-operation between the Government and the Sultan. With respect to the second portion of the Question, I am sorry to say, Sir, that I cannot state the reasons which have influenced the Government in pressing upon the Sultan his assent to the Conference, because to do that at the present moment, although it would be a proper subject for future investigation, would be decidedly impolitic, beyond saying that they are reasons in which there has been, according to the latest advices in my possession, a general concurrence among the whole of the Powers of Europe. With regard to the third part of the Question, Her Majesty's Government had stated explicitly that, in their opinion, the Sultan has not parted with the Sovereignty of Egypt, and they believe that opinion to be shared by the rest of the Powers.

Lord EUSTACE CECIL: Are we to have an opportunity of knowing the nature of the measures to be taken before the Conference meets; and will there not be any possibility of a discussion in this House upon those measures? I do not specify the measures, because I do not know what they are.

Mr. GLADSTONE: I do not think it would be possible for us—and it would not be wise if possible—to undertake to predict or speculate upon what the Conference may determine. When you enter into joint council, either among individuals or Powers, you reserve to a certain extent your final decision, whilst you may lay your first opinions before those with whom you are going to take counsel. Evidently that is the nature of the Conference; and nothing could more tend to defeat the purposes of the Conference than for the separate Powers, each of them individually, to make known the views with which they would commence the Conference.

Sir WALTER B. BARTTELOT: I should like to ask who is the *de facto* Governor of Egypt at the present moment? Considering the grave state of Egypt, not only at Alexandria, but at Cairo and elsewhere, and the danger in which the European subjects are placed, can the Government state whether Turkish troops are now on their way to Egypt; and, if so, what is their number? Yesterday the Under Secretary of State for Foreign Affairs hardly gave us an answer to that question. I should also like to ask the Prime Minister if he will state whether a sufficient force is now ready to land, so as to ensure that protection, which is naturally looked for, considering our paramount interests in Egypt?

Mr. O'KELLY: Perhaps the right hon. Gentleman can also state whether there is any truth in the statement that the French Government are preparing to send 20,000 men to Egypt?

Mr. GLADSTONE: With regard to the last Question, I have never heard of the statement, and have no reason to believe that it is true. With regard to the Questions of the hon. and gallant Baronet, it is extremely difficult, without Notice, to answer with accuracy a long series of Questions put across the Table. I am not, aware, Sir, whether Turkish troops are on their way to Egypt from Constantinople. As to whether a sufficient force was ready to land for the purpose of protecting British life and property, I do not think it would be expedient—considering the risks that are run, and that we know are run, by the prevalence of unauthorized rumours with respect to the landing of a foreign force in Egypt—I do not think it would be expedient in me to enter in any manner into that subject. We have committed to most competent hands the disposal of the means which we have placed at their command. With regard to the Question who is *de facto* Ruler of Egypt, Her Majesty's Government have no further information than that which has been made known to the House. The Khedive is the *de facto* Ruler of Egypt, and the Khedive has, under pressure, consented to receive back Arabi Pasha in the capacity of Minister of War. These facts are well known to the House, and I do not think there is anything that it is in our power to add.

SIR H. DRUMMOND WOLFF: I wish to ask whether any news has been received as to the present state of affairs in Egypt?

SIR CHARLES W. DILKE: Of course, the hon. Gentleman does not mean political news; but news with regard to the security of the people. The news received since yesterday is, on the whole, of a re-assuring nature. There has been no fresh outbreak or disturbance of any kind, and we have no reason to apprehend any.

MR. BOURKE: I beg to give Notice that on Monday, if it is convenient to the Prime Minister, I shall ask the right hon. Gentleman, Whether, before the proposed Conference takes place, Parliament will be informed what the bases agreed upon are; and, what are the limits within which discussions are to be confined?

MR. ASHMEAD-BARTLETT: I beg to give Notice that on Monday I will ask the Prime Minister, Whether he will give an assurance to Parliament that, in the event of a Conference upon Egyptian Affairs, Her Majesty's Government will assent to the neutralization of the Suez Canal in time of war?

MR. O'DONNELL gave Notice that on Monday he would ask the hon. Baronet the Under Secretary of State for Foreign Affairs, If he had seen the correspondence in the "Cologne Gazette" giving the views of the German colony in Egypt, and stating that the real and serious danger to peace arose from the anti-Mahomedan attitude of the English and French Governments; whether it was true that the Consuls for Germany, Austria, and Italy, in order to obviate the peril arising from such a policy, waited on Arabi Pasha and induced him to become responsible for peace and order; whether, in consequence of their representations, which Arabi received with much dignity and intelligence, he agreed with his comrades to preserve order?

SIR WALTER B. BARTTELOT: I quite admit the difficulty of answering Questions not on the Paper; but these Questions arise day by day, so that it is impossible to put them down beforehand. The right hon. Gentleman has stated that Turkish troops are not being sent——

MR. GLADSTONE: I never said so.

SIR WALTER B. BARTTELOT: He said that he was not aware that Turkish troops were being sent.

MR. GLADSTONE: Were on their way.

SIR WALTER B. BARTTELOT: Well, the Question I wish to ask is—and I ask it because a satisfactory answer will go far to allay public feeling—Can the Government give us an assurance that they will not shrink from taking any step which is necessary to protect European lifeand property in Egypt?

MR. GLADSTONE: The Government are aware that they are responsible for using, to the best of their ability, all the means at their command for that purpose.

MR. ONSLOW: In consequence of the answer of the right hon. Gentleman, might I be allowed to ask what are the means at their command which the Government are using at the present time at Cairo?

[No reply was given to the Question.]

ARREARS OF RENT (IRELAND)—LORD ROSSMORE'S ESTATE.

MR. DILLON wished to put a Question to the Prime Minister, of which he had sent him private Notice.

MR. GLADSTONE: I have not received it.

MR. DILLON said, he hoped the Prime Minister would be able to answer it without Notice. It was, Whether the right hon. Gentleman had been informed that several writs for arrears of rent had been served on the estates of Lord Rossmore and the Rev. Mr. Aitcheson, in county Monaghan; that three of those writs had been executed on the estate of the Rev. Mr. Aitcheson, the tenants' interests being purchased on behalf of the landlord by his bailiff, so as to debar those tenants from all rights under the Arrears Bill? Also, whether his attention had been called to a letter from the Rev. Mr. Donnelly, of June 12th, in which he stated that writs were being served all over the Rossmore estate for rents which the tenants had no means of paying—a proceeding which meant the utter destruction and annihilation of the tenants; and, whether, when that same system was being pursued in many parts of Ireland, he, with a view of putting a stop to such a state of things, would not at once introduce a short Bill to put a stay —say for six months—to all evictions in Ireland?

Mr. GLADSTONE: The Question is very voluminous and important; and, as the matters to which it refers have not before come to my notice, I am not in a position at this instant to give any answer, except in regard to the last clause—legislation—in respect to which I can only refer the hon. Member, however disappointing it may be, to the answer I have already given — namely, that, in my opinion, it would only make confusion worse confounded if the Government were to attempt to introduce any Bill for the object suggested.

EGYPT AND ITALY—CESSION OF ASSAB BAY.—PERSONAL EXPLANATION.

Sir CHARLES W. DILKE: I wish to ask the leave of the House to make a short personal explanation with reference to a Notice which I quoted yesterday, and which was publicly given last Friday by the hon. Member for Greenwich. The hon. Member for Greenwich yesterday said that the words of his Notice on Friday last were—"Also, in view of the recent cession of Assab Bay to Italy" — not "by Her Majesty's Government." I have refreshed my memory of the Notice as he gave it publicly before the objectionable words were struck out by the Clerk at the Table as being argumentative. They spoke of "the further danger caused," in respect of the security of the Suez Canal, "by the recent cession, with the full concurrence of Her Majesty's Government, of Assab Bay to Italy." It was on these words that I severely commented at the time.

Baron HENRY DE WORMS: I am anticipated, to some extent, by the action taken by the hon. Member for Chelsea; but I think, Sir, the explanation which the hon. Member has given fully shows how correct I was in the statement which I made yesterday, and how utterly incorrect were the words which he attributed to me. I should have thought that with the experience which the hon. Member has had, or ought to have had, of foreign affairs, he would have recognized the vast difference between the words "by Her Majesty's Government" and the words "with the full concurrence of Her Majesty's Government."

Sir CHARLES W. DILKE: I objected to the whole statement of a cession. There has been no cession of any kind, either with or without the concurrence of Her Majesty's Government.

Baron HENRY DE WORMS: That is a question which does not arise. The hon. Member said yesterday that in my Question occurred the words, "the cession of Assab Bay to Italy by Her Majesty's Government." I ventured then to get up and deny that. The hon. Gentleman did not accept my denial, but repeated his statement, and added these words—"I will place the Question as originally printed before the hon. Member." In order to satisfy myself on a point as to which I was more or less certain—that I could not have put into a Question such an absurdity as the cession of a part of one country to another by a third country to which it did not belong—I went to the Record Office of the House, and there I found the manuscript of my original Question. It stands as follows:—

> "With respect to the recent cession of Assab Bay, with the full concurrence of Her Majesty's Government."

And here, again, I must ask permission of the House to make a remark. The hon. Member said that these words had been struck out by the Clerk at the Table. I hold in my hand the original manuscript of my Question, and these words are not struck out.

Sir CHARLES W. DILKE: There is no difference of opinion on the mere point of fact. The words did not appear in the Notice as printed in the Questions on the Paper next morning; and they were not put in the Question which was really asked.

BARON HENRY DE WORMS: I quite accept that explanation; but I should be glad to know how the hon. Member knows that the words he read had been struck out?

SIR CHARLES W. DILKE: I have already informed the hon. Member that I was present at the time when he gave his Notice; and I have refreshed my memory this morning by referring to no less than four newspapers, in which it appears at full length; and perhaps I may be allowed to add that one of the greatest difficulties in answering Questions on foreign affairs is that Notices which are given here publicly, with a certain set of words, appear in the newspapers with that set of words; but words which are argumentative being struck out by the Clerk at the Table, Questions have to be answered in an altogether different form.

BARON HENRY DE WORMS: On that point I may be allowed to say that this Question was given publicly, and, moreover, it was read over by me to the Clerk at the Table, and no objection was taken by him to the words. I therefore reasonably assumed that those words would be inserted in the Question. But when the hon. Gentleman stated so positively that those words had been expunged at the Table, he led the House to the impression that when I gave my Question to the Clerk the words were expunged, and that I was aware of it. Moreover, he said that he regretted that they had been expunged, as otherwise they would have met with an indignant reply from the Prime Minister. I can, of course, accept that indignation by proxy from the hon. Gentleman; but, at the same time, I do not think it affects the question at all. I think it is very much to be regretted that an hon. Gentleman in the responsible position of the hon. Member for Chelsea should have attributed openly in this House to another Member words for which there is not the slightest foundation.

LAW AND JUSTICE (IRELAND)—THE CORONER OF THE QUEEN'S COUNTY.

MR. ARTHUR O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that Mr. William Clarke, of Rathleague, the coroner for the Queen's County, dropped dead in his residence on the 11th instant; who was the proper official to hold an inquest, if necessary, upon the body; whether Baron Dowse refused to fiat the presentment, at the Queen's County Assizes at Maryborough, for the salary of Dr. Robert O'Kelly, late of Ballyroan, Queen's County, but now residing at Ballyragget, in Kilkenny; whether there is any coroner for the Queen's County at present; and, whether there will be two writs de coronatore eligendo issued to the sheriff, as on the death of one coroner and the ouster of another?

MR. TREVELYAN: I telegraphed for information, but have not yet received it.

COMMISSIONERS OF PUBLIC WORKS (IRELAND)—THE ANNUAL REPORT.

MR. ARTHUR O'CONNOR asked the Financial Secretary to the Treasury, When the Annual Report of the Commissioners of Public Works (Ireland) will be laid upon the Table?

MR. COURTNEY: Next week.

PARLIAMENT—BUSINESS OF THE HOUSE—"QUESTIONS."

MR. HEALY asked the Prime Minister, Whether, seeing the great amount of time now occupied by the asking of Questions in the House with regard to Foreign Affairs, he would not consider the advisability of commencing the proceedings on the Prevention of Crime Bill at once on the meeting of the House, and take the Questions after Progress was reported—after 3 or 4 o'clock in the morning?

MR. ASHMEAD-BARTLETT asked, Whether it was not a fact that three or four times as many unimportant Questions were asked on Irish affairs as were put on other subjects?

[No reply was given to the Questions.]

ORDER OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[BILL 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 15th June.*]

[THIRTEENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

[*Thirteenth Night.*]

PART II.

OFFENCES AGAINST THIS ACT.

Clause 7 (Illegal meetings).

MR. P. MARTIN moved, in page 4, line 17, to leave out from "any" to "shall," in line 18, and insert—

"And, in case such meeting be so prohibited, two or more justices of the peace shall attend at the place where they have reason to believe such meeting is to be held, and then and there notify and repeat aloud, to the persons attending, the order prohibiting such meeting, and direct such persons to disperse; and in case any of the persons so met or assembled together shall not disperse within the space of one half-hour, such persons thereupon."

The hon. and learned Member said he understood the Home Secretary to state that there was only one portion of this Amendment which he substantially objected to—namely, the latter part, which allowed persons attending the prohibited meeting half-an-hour for enabling them to disperse. Now, in reference to that objection, and to that alone, he wished to say that he had put the Amendment on the Paper with a twofold object—first, that any force which might be sent to disperse a meeting should be under the check, control, and guidance on all occasions of magistrates; and, in the next place, to secure that the persons present at the meeting should receive a notification from the magistrates that the meeting was illegal, and thus have notice and warning before they became subject to the severe consequences which would be entailed upon them by remaining. Under the circumstances, and with the object he had stated, he trusted the Amendment would be accepted in its entirety. In the Act of 1833 a quarter of an hour was allowed for a notification to the people that a meeting was unlawful. He had added to that a further quarter of an hour for this reason—they all knew that in cases of a much more serious character than those which were likely to occur under this Bill, where a riot attended with danger to life and property was likely to happen, the rioters got an hour after the reading of the Riot Act for the purpose of enabling them to disperse. If the Lord Lieutenant sent down Justices of the Peace to declare unexpectedly that a meeting was an unlawful one, it was not unreasonable to ask that the persons present should be allowed half-an-hour after the notification made to them, for the purpose of going quietly away. It must be recollected that some of the persons might be present at a distant part of the place where the meeting was held, and might only hear of its prohibition from conversations with others some time after the notification had been made. He hoped the Government, having regard to these circumstances, would not diminish the effect of the concession they had made by insisting on the omission from the Amendment.

Amendment proposed,

In page 4, line 17, leave out from "Any" to "shall," in line 18, and insert "and, in case such meeting be so prohibited, two or more justices of the peace shall attend at the place where they have reason to believe such meeting is to be held, and then and there notify and repeat aloud, to the persons attending, the order prohibiting such meeting, and direct such persons to disperse; and in case any of the persons so met or assembled together shall not disperse within the space of one half-hour, such persons thereupon."—(*Mr. Patrick Martin.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. TREVELYAN said, the Government were perfectly willing to accept the Amendment; but they must accept with it the addition of the word "forthwith," in substitution of the words "within the space of one half-hour." If the clause were fettered by any specified time, it would be clearly giving to the persons present at the meeting a period within which they might practically disobey the law; and the Government were of opinion that the word "forthwith," instead of the stated time given by the hon. and learned Member, would be sufficient to meet the requirements of the case. He would, therefore, move to amend the Amendment by striking out the words "within the space of one-half hour," and substituting the word "forthwith."

Amendment proposed to the proposed Amendment, to leave out the words, "within the space of one half-hour," in order that the word "forthwith" be there inserted.—(*Mr. Trevelyan.*)

Question proposed, "That the words proposed to be struck out stand part of the proposed Amendment."

MR. HEALY asked, if it was not necessary that the Amendment itself should be carried, before any Amendment could be inserted in it?

THE CHAIRMAN intimated that that was not necessary.

MR. HEALY said, that in reference to the remark of the right hon. Gentleman the Chief Secretary that the law might be disobeyed if a period were allowed within which the people were to disperse, he might remind the right hon. Gentleman that, under Lord Grey's Act, the people got a quarter of an hour, and why the Prime Minister should now require a more stringent measure he could not understand. The law might be broken in a quarter of an hour as well as in half-an-hour. It was quite evident that the Chief Secretary had had no experience in regard to dispersing public meetings in Ireland, and he could not know how that operation was carried out. He (Mr. Healy) had seen a meeting dispersed. He had seen Mr. Clifford Lloyd come up at Drogheda and order his police, with drawn swords, and with loaded guns pointed at the people, to clear the meeting. That was a very summary process, and if the same course were to be taken under this Bill, he could not see how the power of the Government would be by any means impaired. At Drogheda, when the people were actually dispersing, Mr. Clifford Lloyd told them, while they were going away, that if they did not clear out more quickly he would fire upon them. That was the kind of power exercised by Mr. Clifford Lloyd on the 1st of January, 1881; and if the Government allowed this interval of half-an-hour in order to enable the people to disperse, they would still possess all the power they could desire in the event of a breach of the peace. The statement of the right hon. Gentleman the Chief Secretary that the people attending a meeting would be likely to break the law if a space of half-an-hour were conceded to enable them to disperse quietly was evidently made under an entire misapprehension of the facts. It must have been based upon some idea of a softness of character pervading the breasts of the Irish magistrates, which, in reality, did not belong to them. He (Mr. Healy), therefore, thought the Government might safely assent to this proposition, seeing that in the time of Lord Grey a quarter of an hour was actually given for this purpose. If the Government would not give half-an-hour, or even a quarter of an hour, he would take ten minutes, or, to split the difference, even seven minutes and a-half.

MR. CHARLES RUSSELL supported the Amendment. His hon. and learned Friend the Member for Kilkenny (Mr. P. Martin) proposed half-an-hour. The Government proposed "forthwith," and his right hon. Friend interpreted forthwith to mean a reasonable time. He would suggest that if half-an-hour could not be allowed, a quarter of an hour, or the words, "within a reasonable time thereafter," would be more satisfactory than the Government proposition. As the law now stood, the Riot Act provided a period of one hour, and the Peace Preservation Act passed by Lord Grey in 1833 gave a quarter of an hour. Why would not the Government say "thereafter within a reasonable time should disperse?"

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the Government felt a difficulty in accepting the Amendment. The view of his right hon. Friend was that, if they fixed an arbitrary time, it might tell both ways. For instance, it might inform a man that he might take a certain time in order to break the law. If they said "forthwith," then the legal meaning of that term was that it should be within a reasonable time. Of course, it could not be intended that a meeting which it was considered desirable to prohibit under these circumstances should be instantaneously dispersed.

MR. J. LOWTHER said, he was at a loss to understand why the words were inserted in the Amendment requiring two or more Justices of the Peace to attend at the place where there was reason to believe an unlawful meeting was to be held, in order to notify its prohibition.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that that was altogether another point. He thought it would be better to dispose of the matter now before the Committee first.

MR. J. LOWTHER said, he did not understand exactly what it was the hon. and learned Gentleman wanted to dispose of. The words "two or more Justices of the Peace" came in the Amendment before those they were now discussing.

THE CHAIRMAN said, the point referred to by the right hon. Gentleman (Mr. Lowther) was not at present before the Committee; but it would come on immediately the point now under discussion was disposed of.

Mr. HEALY asked whether the two Justices of the Peace mentioned in the Amendment would, under any circumstances, be allowed to sit on the Bench and dispose of the case afterwards? He thought some guarantee ought to be given that the two magistrates who ordered the dispersion of the people should not be allowed to sit in judgment upon any offender.

The CHAIRMAN said, that matter would come on directly the present Amendment was disposed of. At the present moment, the Committee were considering whether the word "forthwith" should be substituted for "within the space of one half-hour."

Mr. NEWDEGATE said, it so happened that he had had experience in dispersing unlawful assemblies in England, and he knew from experience that the magistrates ought to be intrusted with a discretion in judging whether their order was being complied with from the first. He had known a case in which the mob removed to a distance of 100 yards and then assembled again. That evidently was an evasion of the order; and, if any time had been specified for the dispersion of a meeting, the magistrates would have been unable to discharge their duties. He must also say that, in his opinion, the magistrates intrusted with the duty of dispersing unlawful assemblies were those best qualified to judge of the conduct of those who were present on such occasions.

Question, "That the words proposed to be left out stand part of the proposed Amendment," put, and *negatived.*

Question proposed, "That the words 'forthwith within a reasonable time,' be there inserted."

Mr. J. LOWTHER said, what he wanted to draw attention to was the very unnecessary provision that the attendance of two Justices of the Peace should be necessary for the prohibition of a meeting.

The CHAIRMAN remarked that the Committee had not yet reached that point. It would come on immediately after the present Amendment was disposed of.

Mr. J. LOWTHER said, he should certainly like to know what was meant by the words "forthwith within a reasonable time?" He understood that it might be necessary to perform an act "forthwith," or that it might be necessary to perform an Act within a reasonable time; but he had never heard of the two being brought into conjunction together. If persons were to be dispersed "forthwith" it was usually understood that they were to be dispersed within a reasonable time; but if they said "within a reasonable time," they allowed the persons present at the meeting to constitute themselves the judges of what was and what was not a reasonable time. In a matter of this kind, it was most desirable that there should be no ambiguity of expression. He did not wonder at the cheers with which the proposed Amendment had been received by the Irish Members; it could only be received with complete support by those who had no very great desire for the success of the Act. ["Hear, hear!"] He thought hon. Members below the Gangway who derisively cheered would admit the justice of his remark; and he asked the hon. and learned Attorney General for England to state what he believed to be the real meaning of this extraordinary expression.

The ATTORNEY GENERAL (Sir Henry James) said, the meaning of the word "forthwith," if it stood alone without any further addition, would be "within a reasonable time;" but the addition of words making the clause run "forthwith within a reasonable time" made the matter perfectly plain. By using that expression, it became clear that an instantaneous dispersion was not contemplated.

Mr. HEALY complained of the manner in which the time of the Committee was being consumed on small points by Members of the Tory Party. If the Irish Members were guilty of the same thing, they were immediately accused of Obstruction.

Mr. J. LOWTHER, in consequence of the remarks of the previous speaker, desired to point out that the expression to which he had called attention was a novel phrase which had never, so far as he knew, occurred before in an Act of Paliament. He thought it was by no means a waste of time, to ask the responsible Legal Advisers of the Government for an explanation.

Mr. TREVELYAN said, he had certainly meant, in proposing the word "forthwith," to say "within a reasonable time;" but he had no objection to add the words suggested by his hon. and learned Friend the Attorney General, if by so doing it became impossible for a lawyer to raise a difficulty.

Question, "That the words 'forthwith within a reasonable time' be there inserted," put, and *agreed to.*

Question, "That the Amendment, as amended, be added to the Clause," put, and *agreed to.*

MR. PARNELL suggested that the original Amendment proposed by his hon. and learned Friend the Member for Kilkenny (Mr. P. Martin) had not yet been put from the Chair. He wished himself to move an addition to that Amendment if he were not too late.

THE CHAIRMAN said, any Amendment to be proposed by the hon. Member must come after the words "forthwith within a reasonable time."

MR. PARNELL intimated that his Amendment would come after those words.

THE CHAIRMAN: Then it would be quite regular.

MR. J. LOWTHER said, he had already stated that he wished to take exception to the words in the early part of the Amendment, "two or more justices." He had understood the right hon. Gentleman in the Chair to rule that the exception was taken too soon, but that it would be regular to take it afterwards.

THE CHAIRMAN said, the right hon. Gentleman was perfectly correct; but he had already put the Question that the Amendment, as amended, be inserted, and it had been agreed to.

MR. J. LOWTHER remarked that he had been listening as closely as he could to the proceedings of the Committee, and he certainly had not understood that the Amendment moved by the hon. and learned Member for Kilkenny (Mr. P. Martin) had been put.

THE CHAIRMAN said, he had put two Questions—first, that the Amendment be amended, and when that was passed by the Committee he put the Question that the Amendment, as amended, be inserted, and as there was no dissent, he declared that the "Ayes" had it.

MR. PARNELL wished to add the words—

> "Provided they shall knowingly refuse to disperse after such intimation, or shall previously have received such intimation that such meeting had been prohibited."

The Amendment had been framed with the object of meeting the intention expressed by the Home Secretary on the previous evening, when he admitted the desirability of inserting some words to make it clear that a man should not be convicted unless he had knowingly committed the offence of attending a proclaimed meeting. It appeared to him (Mr. Parnell) that this was the best way of carrying out that desire of the Home Secretary, and it would meet the requirement which he had sought to obtain by the Amendment which he had moved last night, which specified that notice should be given by the Lord Lieutenant of his intention to prohibit a meeting. The adoption of this Amendment would render it necessary that in order to obtain a conviction against any persons it should be necessary to show that after having received an intimation that the meeting had been forbidden they should knowingly have refused to disperse.

Amendment proposed,

> At the end of the Clause, after the word "thereupon," to insert—"In case they shall knowingly refuse to disperse after such intimation, or shall previously have received such intimation that such meeting had been prohibited."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he was sure the hon. Member for the City of Cork (Mr. Parnell) would feel that there was every desire on the part of the Government to consider his Amendment in the fairest spirit. The hon. Member said that last night the Home Secretary admitted the desirability of inserting some words of this kind. When his right hon. and learned Friend said that, he wished to protect persons against being convicted on account of an act of ignorance, and he said that the safeguards contained in the Bill would be retained. He (the Attorney General) thought the Committee would see that proper safeguards had been taken in the Amendment by the hon. and learned Member for Kilkenny (Mr. P. Martin). By the previous part of the clause, it was required that the Lord Lieutenant should publish a prohibition of the meeting. It then became necessary that notice should be given to the promoters of the meeting that it was prohibited; and, thirdly, by the acceptance of the Amendment of his hon. and learned Friend the Member for Kilkenny, it was required that two Justices of the Peace should appear at the meeting and notify the order prohibiting the meeting and directing all persons present to disperse. What the hon. Member for the City of Cork asked was, that it should be proved to demonstration that a knowledge of the prohibition of the meeting had been brought home to different persons at it, after the proclamation was made, so as to prove that they were knowingly refusing to disperse. Now, he (the Attorney General) thought that the publication of the prohibition of the meeting, either in writing or by notice to the promoters of the meeting, and the proclamation of its prohibition, were quite sufficient without proving to demonstration that the persons present were made aware of the circumstances, and had knowingly refused to disperse. He could assure the hon. Member that there would have been every desire to accept his Amendment if the clause had remained as it was. The hon. Member for Tipperary (Mr. Dillon) had an Amendment upon the Paper for the insertion of the word "knowingly;" but the Amendment now adopted would get rid of all difficulty, and was the best substitute that could be provided.

Mr. SEXTON regretted that the Government did not see their way to give a more favourable reception to this Amendment. The Attorney General had stated three reasons why, in the view of the Government, it was not considered necessary. In the first place, the Lord Lieutenant would be obliged to give public notice of the prohibition of the meeting. Now, what was a public notice? It simply meant that the Lord Lieutenant should issue a proclamation in *The Dublin Gazette;* but was it meant to assert that such a proclamation in Ireland was a public notice, sufficient to make known anything to the Irish people? An advertisement in *The Dublin Gazette* would be about as effectual as if it were written on the walls of the Roman Capitol. The Irish people knew just as much about the one as of the other. In the next place, the Attorney General said that notice was to be given to the promoters of the meeting; but the promoters, acting upon a sense of the urgent necessity of the meeting, after receiving a notification from the Lord Lieutenant, might not convey it to the public. The promoters might determine to go on with the meeting and encounter all the hazards and penalties of the Bill, and the people all the time might know nothing about it. In the third place, the Attorney General said that two Justices were to attend the meeting and notify its prohibition to the persons present. But the Irish magistrates wore no uniform, and had no distinguishing mark; they would be dressed like any other persons, and entering a meeting suddenly they would make an announcement which might not reach the ears of the majority of the persons present. There was the utmost necessity that there should be some protection for the public generally, because some time might elapse after an announcement was made before it became generally known. The Attorney General said that before they could bring it home to the knowledge of the persons present it would be necessary to probe the minds of the people, and that there was no provision in the English law for probing the minds of the people. But the Attorney General knew very well what was meant by circumstantial evidence. If the surrounding circumstances showed that the people present at a meeting knew that it was proclaimed it would only be necessary to apply to them the ordinary rules of circumstantial evidence. He thought that two things were necessary before persons should be convicted under the clause—first, that they should have got previous notice of the prohibition of the meeting; and, secondly, it should be proved that they were knowingly contravening the law. He thought the reasons given by the Attorney General were quite insufficient to justify the rejection of the Amendment.

Mr. HEALY asked if the Justices mentioned were to sit on the Bench and try any of the persons accused of breaking the law? Would the two Justices exercise both Judicial and Executive functions?

Mr. TREVELYAN regretted that the Government could not give way. They could not consent to insert the word "knowingly." With respect to what the hon. Member for Sligo (Mr. Sexton) had said, he found the usual method of advertising public meetings in Ireland had become so anomalous as to be a public scandal; but he did not think that hon. Members opposite would have reason to complain of the Government on that point. The real object of the Government would be to give full publicity to the fact that a meeting was prohibited. Then, in regard to the question of the two Justices not being the same Justices who might sit afterwards to try the case of persons who had refused to disperse, he might say that all these questions of the division of Executive and Judicial functions would be regarded by the Lord Lieutenant as administrative questions; and the Lord Lieutenant would prescribe the functions of the Justices, partly by a general Order contained in a Circular, and partly by the proceeding always adopted by the Castle, of directing certain Justices to go down to particular districts with administrative functions. The Government would be very unwilling to increase the size of the Bill, or to hamper the action of the Executive by saying positively that certain Justices in certain events should exercise certain functions. That would not appear in the Bill; but everything would be carefully considered, and would be dealt with in the Orders and Circulars issued by the Executive, and the whole matter would be conducted administratively and executively.

MR. J. LOWTHER said, he was sorry now that he had not had an opportunity of putting the Committee on their guard against the introduction of the words "two or more Justices of the Peace," because he believed they would be found to be a source of much inconvenience. He had demurred altogether to the part of the Amendment of the hon. and learned Member for Kilkenny (Mr. P. Martin), which required the attendance of two or more Justices. [MR. HEALY: Order, order!] He did not think that the hon. Member for Wexford (Mr. Healy) was exactly the authority entitled to interrupt him on a point of Order. With all respect to the Committee, he would submit that the observations which had fallen from the Chief Secretary necessitated a reply from him (Mr. Lowther). The question had been asked the right hon. Gentleman whether it was the intention of the Irish Government to prevent the Justices who, under the provisions of this section, would have to act in putting down or prohibiting a meeting from acting judicially in any proceedings which might arise in consequence of a disobedience of their orders?

MR. PARNELL rose to Order. He wished to submit to the Chairman that the right hon. Gentleman (Mr. J. Lowther) was not in Order in discussing the clause as a whole. It would be much better and more convenient if the Committee were allowed to go on with the discussion of the points involved in the Amendment.

THE CHAIRMAN said, that was quite true; but the hon. Member for Wexford had raised a distinct question as to the functions of the Justices of the Peace. The right hon. Gentleman the Chief Secretary had answered the remarks of the hon. Member for Wexford (Mr. Healy) at some length; and it was only fair that the right hon. Gentleman the Member for North Lincolnshire (Mr. J. Lowther) should be allowed to speak on a question which had already engaged the attention of the Committee.

MR. J. LOWTHER said, that hon. gentlemen below the Gangway were not slow to avail themselves of the utmost freedom of debate—he would not use a stronger expression—and he thought it would be well if they would allow the proceedings of the Committee to go on without offering to the Chairman their unsolicited assistance. He must point out that one difficulty which the Irish Government had hitherto had to contend against was that a large number of meetings were often simultaneously announced to take place within a comparatively limited area on the same day. He found that the case in the early stage of the proceedings of the Land League, which the hon. Member who had now assumed the office of Chairman, *pro hac vice*, would, no doubt, remember. The difficulty was that several meetings were announced on the same day within what was termed the same district. The Government, following the example often set in that House, where two or more persons were accustomed to talk at the same time, proposed to send down to every meeting two or more Justices to notify aloud that it was prohibited. He feared that if certain things laid down in the clause were insisted upon, it would become the practice for the persons convening meetings to ascertain, from sources already at their command, what particular meeting it was which the authorities were prepared to deal with, and they would then hold another meeting at a place where there would not be two or more Justices in attendance. He would not now dwell upon some of the points he had intended to dwell upon, and which he had intended to ask the Committee to avoid, if he had not been precluded by a circumstance for which he could not accept any share of responsibility. He had risen for the purpose of drawing attention to the words "two or more Justices;" but he was informed that he was not at that moment in Order in doing so, although an opportunity would present itself later on. He had resumed his seat in obedience to the suggestion of the Chairman; but although he was listening very attentively to the proceedings, the point was passed without any intimation being conveyed to him that he would be in Order in continuing his observations. He had, no doubt, been properly prevented by the Chairman from interposing when the point had been passed over; but he had conveyed to the Committee his desire to call attention to a special point, and without wishing to blame any other person, he did not credit himself with any responsibility for having failed to keep the engagement he had made to the Committee in the matter. He regretted, therefore, that the Prime Minister should make audible observations which could not possibly tend to advance the discussion. He had no wish to use discourteous language; but up to this point did the right hon. Gentleman consider that the great difficulties of the task the Executive had to perform had been increased by the course pursued by that (the Opposition) side of the House? He would repeat that, knowing as he did from experience that a great number of meetings were frequently announced within a short distance from each other on the same day, he regretted that it should be seriously contemplated to hamper the administration of the law by providing that the same Justices of the Peace were never to exercise both Executive and Judicial functions.

The CHAIRMAN: As this discussion has not been terminated, I must recall the attention of the Committee to the Amendment now before them.

MR. PARNELL said, he thought there should be some words inserted in the Amendment proposed by his hon. and learned Friend the Member for Kilkenny (Mr. P. Martin) to make it necessary that there should be knowledge on the part of the persons attending a meeting before they became liable to punishment. It was true that the words he had suggested might seem to be rather cumbrous; but he thought they would fit in with the clause very well, and he would read it as it would stand with the adoption of the Amendment—

> "And, in case such meeting be so prohibited, two or more justices of the peace shall attend at the place where they have reason to believe such meeting is to be held, and then and there notify and repeat aloud, to the persons attending, the order prohibiting such meeting, and direct such persons to disperse; and in case any of the persons so met or assembled together shall not disperse within the space of one half-hour, such persons thereupon in case they shall knowingly refuse to disperse after such intimation, or shall previously have received such information that such meeting had been prohibited."

The Home Secretary specially stated, at one period of the discussion of his (Mr. Parnell's) Amendment last night, that he would introduce words making it necessary that there should be knowledge on the part of the persons charged with an offence, so that no person who had not actual knowledge that he was committing an offence should be liable to the penalty imposed by the Act; and the right hon. and learned Gentleman also stated that he would provide that a fair notice should be given without defining the exact length to which that notice should go. Now, this Amendment did not provide what the Home Secretary certainly, at one period of the discussion, expressed himself willing to provide. He, therefore, trusted the Attorney General would see his way to carry out the object of the Amendment, and if he would submit other words to that effect, he (Mr. Parnell) would be perfectly willing to withdraw his own proposal.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he was perfectly aware of what his right hon. and learned Friend had stated yesterday; but the view of the Government was that the safeguards now imposed were sufficient to prevent any person from placing himself unintentionally in a position in which he might be punished. If on the Report it was found that these words did not carry out the intention of the Government, then he was sure that either by an additional Amendment, or by some further action, the object sought to be accomplished would be attained. He hoped that that explanation would satisfy the hon. Member for the City of Cork (Mr. Parnell). There was no desire that an innocent person attending a prohibited meeting should be affected by the clause.

MR. CHARLES RUSSELL would suggest to his hon. Friend the Member for the City of Cork (Mr. Parnell) that he should accept the offer made by his hon. and learned Friend the Attorney General. He thought there was no difference between his hon. Friend and the Attorney General as to the object both of them desired—namely, that no person should be brought within the criminal category included in the section to whom a guilty knowledge had not been brought home. Under these circumstances, he would suggest that the offer of the Attorney General should be accepted, and that the matter should be left open for future consideration.

MR. PARNELL said, he would accept the suggestion of his hon. and learned Friend the Member for Dundalk (Mr. C. Russell), but he would not ask leave to withdraw the Amendment. He would prefer that it should be negatived.

MR. METGE wished to call attention to one point which had been raised by his Friend the hon. Member for Sligo (Mr. Sexton), and that was that the notice given to the promoters that the meeting had been prohibited might possibly be withheld from the public, and might lead persons into the commission of crime who would otherwise have avoided it. There was a large portion of the people of Ireland who never looked into the newspapers at all; and however carefully a matter of this kind might be advertised, it would not be brought home to the knowledge of everybody. He would, therefore, suggest that it might be expedient to amend the clause in such a way as to secure that the notification might, to some extent, be given by the use of placards.

MR. SEXTON said, he had heard the remarks of the right hon. Gentleman the Chief Secretary in regard to advertisements, but he thought the Government would see that a notification in *The Dublin Gazette* only would not be sufficient to meet the requirements of the case. It also ought to be advertised in the local papers.

MR. TREVELYAN said, he did not wish the hon. Member to infer anything from his statement, except that the prohibition of these meetings would be duly advertised. It must be borne in mind that within the last 12 months something like 1,200 meetings had been prohibited under the discretionary power of the Lord Lieutenant, and he believed that very little practical inconvenience had resulted from the course which had been taken by the Executive in making the announcement of the prohibition public. He was certainly under the impression that, as new legislative conditions were laid down by the present Bill, the mode proposed to be adopted would be found to work satisfactory.

MR. METGE said, the right hon. Gentleman (Mr. Trevelyan) seemed to forget that the arguments all through in support of this clause was that the clause itself was intended to meet some extraordinary circumstance. The Irish Members had contended all along that there was sufficient power in the hands of the Lord Lieutenant already to repress these meetings. He was quite willing to leave the clause as it stood; but he hoped the Government would not allow anything to slip through that would prevent a fair knowledge of the prohibition of these unlawful assemblies being made thoroughly public.

Question put, and *negatived.*

THE CHAIRMAN called upon Mr. STOREY to move the next Amendment.

MR. SEXTON said, that after the Amendment of the hon. and learned Member for Kilkenny (Mr. P. Martin) had been disposed of there were several Amendments on the Paper before that proposed by the hon. Member for Sunderland (Mr. Storey). There was one in his (Mr. Sexton's) name, and he wished to know if it would be possible for him to move it after the Amendment of the hon. Gentleman the Member for Sunderland (Mr. Storey) had been disposed of?

The CHAIRMAN said, it was absolutely necessary, in inserting the last Amendment that had been agreed to, to cut out certain words, and the Amendments which stood on the Paper and affected the words which had been cut out could not be put.

The ATTORNEY GENERAL (Sir Henry James) said, that the words of Sub-section 2 of Clause 7 had already been struck out, and they included the words affected by the Amendment of the hon. Member for Sligo (Mr. Sexton).

Mr. HEALY moved, at the end of the Clause, to add the following subsection:—

"A copy of every such order, and of the information upon which the same was founded, shall be laid before Parliament within fourteen days after the day on which such order was made, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament."

This, he thought, was a very important point, and one which the Government might reasonably accept. It was very desirable that there should be precise information on the part of the House, in case a renewal of this legislation was attempted; and the House should thoroughly understand what had been the nature of the meeting which had been prohibited. All he asked in this Amendment was, that a copy of the order, and of the information upon which it was founded, should be laid before Parliament. It was found, during the recent agitation, that meetings were constantly proclaimed on the affidavits of bailiffs, grooms, and stable-boys employed by the local magistrates. He thought, if a magistrate desired a meeting to be proclaimed, it was not sufficient that he should get his bailiff, groom, or stable-boy to make an affidavit that, in his opinion, a breach of the peace was likely to arise. The Government would see that that was a most undesirable thing; and that if any information was laid at all, it should be an information from an officer responsible for the preservation of the peace.

Amendment proposed,

At the end of the Clause, add the following sub-section:—"A copy of every such order, and of the information upon which the same was founded, shall be laid before Parliament within fourteen days after the day on which such order was made, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament."—(*Mr. Healy.*)

Question proposed, "That those words be there added."

Mr. TREVELYAN said, the Committee had already decided in the negative the question of requiring sworn information for the prohibition of meetings. The question was raised 13 days ago, and he had then stated his objections to the use of the word "information" in the Bill, and he would not repeat them. He believed that he stated those objections at considerable length, so that they could not have been misunderstood. The Government, however, were quite ready to accept the Amendment if that part of it relating to the "information" was struck out. He would, therefore, move to omit the words "and of the information upon which the same was founded."

Amendment proposed to the proposed Amendment, to omit "and of the information upon which the same was founded."—(*Mr. Trevelyan.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

Mr. LEAMY remarked, that if these words were left out, they would be in this position—that they would get just as much information as they were enabled to get under the Act from the Irish newspapers, and they would gain nothing by carrying the Amendment as it stood. What they wanted was this—they desired to know the information upon which the Lord Lieutenant was to exercise his exceptional powers? The Committee must bear in mind that the Lord Lieutenant, under this clause, got power to prohibit perfectly legal and lawful assemblies; and he would submit, that if the Committee gave the Lord Lieutenant that power, the least they could do was to ask him to give the grounds upon which he exercised it. It must not be forgotten that these assemblies could not be called unlawful until such time as the prohibition of the Lord Lieutenant was proclaimed. As a matter of fact, men might attend a meeting and the meeting would be quite lawful until such time as it was proclaimed. If, therefore, Parliament proposed to give to the Lord Lieutenant power to put down assemblies that were perfectly lawful, the least they could do was to provide that the grounds and the information upon which they were prohibited should be given to Parliament.

Mr. HEALY said, the Government admitted that the Lord Lieutenant must act on some information or other. Of course, he knew the Chief Secretary was not very well acquainted with the nature of the meetings that had hitherto been proclaimed. It was not unfrequently the case that a meeting in the North of Ireland was proclaimed because an Orangeman objected to it; and a sworn information was laid before an Orange magistrate, which was quite sufficient to stop the meeting. Under this Bill, if a landlord or anybody else laid an information against the holding of a meeting, that should not be sufficient to justify the action of the stipendiary magistrate in putting it down, except it was considered to be unlawful upon adequate information by the responsibility of the Government themselves.

Sir JOSEPH M'KENNA said, the Committee had been told last evening that the reason why the functions of the Privy Council were not exercised in prohibiting these meetings was, that the Lord Lieutenant was to be wholly responsible. He had endeavoured to explain that he thought that would be a futile course; but, as the clause now stood, the Government would prevent any Member of the House of Commons by any possibility introducing a Motion to show the motives by which the Lord Lieutenant or anybody else might have been moved in prohibiting a meeting. He did not think, if the clause were passed as it at present stood, that either the Lord Lieutenant or the Government could be held to be responsible to anyone for any proclamation that was issued.

Mr. TREVELYAN said, the pledge which the hon. Member for Wexford (Mr. Healy) asked for was one which the Government had given already more than once, and he was unwilling to repeat that nothing could exceed the care with which the Government of Ireland collected and weighed opinions before they proceeded to take any step of an arbitrary character, and those which were taken were not of very great frequency. [Mr. Healy: Not now.] He could only speak for the existing Government of Ireland. His own experience was not sufficient to enable him to criticize the conduct of his Predecessors, or to make any engagements for his Successors; but as far as the present Government were concerned, he knew the methods by which their administration was carried on, and he could assure the Committee that it was their sole desire not to take any arbitrary step.

Question put, and *agreed to.*

Mr. CALLAN moved, in page 4, line 18, at end, add—

> "Provided always. That it shall not be lawful for the Lord Lieutenant to order, under the provisions of this Act, any such prohibition of a meeting, nor shall any person be guilty of an offence under this Act who may be present at a meeting so prohibited, unless the Lord Lieutenant shall, by proclamation previously made, declare the county, or the district of county in which the meeting is to be held is in such a state of disturbance as to require the application of the provisions and powers in this Clause enacted."

The hon. Member stated that he had taken this Proviso *ipsissima verba* from a clause of the Act of 1833, to which the Home Secretary referred the day before yesterday. In an ordinary state of affairs in Ireland the power of the Lord Lieutenant to prohibit a meeting was quite sufficient, and he might corroborate the reference which had already been made to the prohibition of a meeting which occurred at Drogheda, on the 1st of January, 1881, to show that up to the present moment the Government had fully exercised their power of prohibiting meetings in Ireland. On that day—namely, January 1, 1881—the twin brother or foster son of the Home Secretary, Mr. Clifford Lloyd, suppressed a meeting in Drogheda even without a proclamation of the Lord Lieutenant, and without the consent of the late ungracious Chief Secretary, the lamentable Member for Bradford (Mr. W. E. Forster). There had been no meeting in Ireland for the last six months of any kind whatever; and, therefore, it was not asking too much to restrict the power of the Lord Lieutenant. The Lord Lieutenant, under the Common Law, had power to suppress meetings; but, as he had stated, there had been no meetings in Ireland under this Act. It so happened that the county of Louth was wedged between two or three other Irish counties, and he entertained a strong objection to the prohibition of meetings in that county because in some of the adjoining counties certain unlawful meetings might be held. He did not think the Lord Lieutenant would attempt to prohibit a meeting in the Province of Ulster, no matter what he might do in the Province of Leinster; and the object of the Proviso was to prevent the Lord Lieutenant from being egged on by irresponsible advisers to stop public meetings. If the Lord Lieutenant wanted to stop a meeting, he must previously complain that the state of the county was such as to require the application of the Act. The stringent provisions of this Bill should not be applied where the ordinary law was sufficient. He therefore begged to move the Proviso of which he had given Notice at the end of the clause.

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That it shall not be lawful for the Lord Lieutenant to order, under the provisions of this Act, any such prohibition of a meeting, nor shall any person be guilty of an offence under this Act who may be present at a meeting so prohibited, unless the Lord Lieutenant shall, by proclamation previously made, declare the county, or the district of county in which the meeting is to be held is in such a state of disturbance as to require the application of the provisions and powers in this Clause enacted."—(*Mr. Callan.*)

Question proposed, "That those words be there added."

Sir WILLIAM HARCOURT said, he had stated the other day that the Irish Government were exceedingly anxious, as far as they could, to apply the various clauses of the Bill, where they could apply them, to the principle that they should not operate universally in Ireland, but only in the proclaimed districts. The advantages of that object would be to give great encouragement to districts not to come under the proclamation, and to give great encouragement to other districts which were under proclamation to get rid of the proclamation. Practically speaking, it gave to the Lord Lieutenant the power of suspending the operation of the Act at any time by withdrawing the proclamation. That was the general advantage of adopting the principle of proclaiming districts, and the Government had desired to extend this power as far as possible, especially in the case of the extraordinary provisions given by Clause 5 and Clause 11, which were provisions that did not exist before. These they regarded as the most inquisitorial provisions of the Bill; but they did not see their way to the application of this principle to the present clause. It had not been contested that it should not apply to Clause 6, which dealt with unlawful associations, and the Government had applied it to that clause because it was in the very nature of secret societies that they should be dealt with wherever they could be found. With regard to the present clause, it was considered desirable not to apply the principle of a proclaimed district, because it was the view of the Government that meetings might have the effect, not only of increasing the existing few disturbances, but of creating a tendency to disturbance even where it had not previously existed; thus, not only increasing an existing conflagration, but of spreading a conflagration to districts already quiet. That was the experience of the Irish Government, and it was a reason why Lord Spencer and the Irish Government, while they desired to extend, as far as they could, the principle of proclaimed districts, had arrived at the conclusion that they could not apply it to the provisions of the present clause.

Mr. SEXTON felt bound to say that no more reasonable Amendment than this had been brought under the notice of the Committee. The right hon. and learned Gentleman the Home Secretary had given no reason why the proposed provision should not be applied to Clause 7, except that in regard to secret societies it might be desirable to take the same course that was applicable to public meetings. This clause did not apply to secret societies, and it was somewhat singular that the same considerations that were held to apply in one instance to secret societies should, in the other case, be held to apply to open public meetings. Then, as to the arguments as to stopping the spread of a conflagration, surely it would be in the power of the Lord Lieutenant to make his proclamation as wide as the district over which the conflagration was extending. The right hon. and learned Gentleman had referred to other clauses of the Bill which required the application of the proclamation. Take the Curfew Clause, the 8th, which enacted—

"That, in a proclaimed district, if a person is out of his place of abode at any time after one

> hour later than sunset and before sunrise under suspicious circumstances, any constable may arrest that person and bring him forthwith before a justice of the peace, and such justice, after inquiring into the circumstances of the case, may either discharge him or take the necessary steps, by committing him to prison, or taking bail, to bring him before a Court of Summary Jurisdiction acting under this Act, and if such person, on appearing before a Court of Summary Jurisdiction acting under this Act, fails to satisfy the Court that he was out of his place of abode upon some lawful occasion or business, he shall be guilty of an offence against this Act."

But it must be borne in mind that, under that clause, no person prowling about after sunset could be arrested, however suspicious his appearance might be, unless the district had been previously proclaimed. He might wear a conical hat, be an entire stranger to the local Constabulary, have square-toed boots, but he could not be touched unless the district had been previously proclaimed. And even the Trans-Atlantic stranger, who was so horrible a bugbear to Her Majesty's Government, could not be arrested unless he made his appearance in a proclaimed district. Then Clause 11 provided that searches for arms and illegal documents should be made. The police might have positive information that a certain house contained muskets, masks, and all the paraphernalia for murder, but they were not able to enter it unless the district was proclaimed. In these cases the Government had guarded the rights of individuals with great tenderness; but when they came to deal with the right of public meetings—that right which had so long been the safeguard of the liberty of the country, and which was the safety-valve for the feelings of the country—they arrived at the conclusion that such meetings ought to be stopped, whether they had been proclaimed or not. He contended that this was a great inconsistency. If a search for arms could not be made unless the district had been proclaimed, that was an infinitely stronger and more powerful case for the intervention of the Lord Lieutenant than the simple right to prohibit a public meeting; and, under these circumstances, he should support the Amendment.

MR. CHARLES RUSSELL said, his hon. Friend (Mr. Sexton) had pointed out the inconsistencey of this clause so far as proclaimed districts were concerned. At the same time, it was hardly consistent to discuss that clause now, seeing that the question of the proclamation of districts was not raised by it. He, for one, did not think that the Amendment was in the right direction. He was strongly of opinion that there ought to be no such clause in the Bill at all; but the Amendment must be argued on the assumption that the clause was in the Bill, and on that assumption he wished to point out how the Amendment would operate in a wrong direction. In the first place, the Government or the Lord Lieutenant must have the power according to their judgment of proclaiming a meeting in any part of the country, and they would only have to throw what he might call the proclamation-net wide enough in order to obtain that power universally; and he was afraid the effect of passing this Amendment would be to induce the Lord Lieutenant, under certain circumstances, to do that which he would not be prepared to do unless the absolute necessity for it were shown. Again, assuming that some such clause as the present was desirable, and must be contained in the Bill, it was perfectly obvious that there might be meetings in districts not proclaimed which, in the interest of the public safety, it might be desirable to suppress.

MR. O'DONNELL confessed that he was unable to follow the reasoning of the hon. and learned Member for Dundalk (Mr. C. Russell) in this matter. The hon. and learned Member said he must proceed on the assumption that this clause was in the Bill; but then he saw special objections to requiring that the provision of the right of holding a public meeting should only be exercised in a proclaimed district. But why was this clause in the Bill at all? The excuse of the Government was that this clause was in the Bill because there were exceptionally disturbed districts in Ireland. Why should not those districts be proclaimed by way of example to the public outside those disturbed districts, and by way of warning to people within them? The only argument the hon. and learned Member for Dundalk brought forward in support of his objection to the Amendment was the extraordinary argument that the liberties of Ireland were to be placed in the power of the Lord Lieutenant, in order that he might have in his hands the power of suppressing public meetings and proclaiming districts that ought not to be proclaimed. No graver charge could be brought against any public officer than the charge which was applied in the argument of the hon. and learned Member for Dundalk. It was based on the supposed readiness of the Lord Lieutenant to proclaim districts that ought not to be proclaimed, for the mere purpose of having power to put down public expression of opinion. He would only say that if that was an argument accepted by Her Majesty's Government, the Government entertained an opinion of the Lord Lieutenant infinitely worse than had yet been expressed by the Irish Party. He must do justice to the Home Secretary, and say that his arguments did not imply quite so low an opinion of the general unsatisfactory condition of the Irish Executive. The Home Secretary stated as his reason for objecting to this most acceptable Amendment, that the experience of the Irish Government went to show that public meetings might create a tendency towards disturbance. Now, taking the declaration of the Home Secretary for what it was worth, and for the light it threw upon the Lord Lieutenant, it was absolutely necessary that they should introduce some Amendment to limit that power. In the opinion of the Home Secretary, public meetings had a tendency to excite disturbances. They were not to be prohibited because they were unlawful in themselves, and contemplated unlawful acts, but because they might excite a tendency towards subversive sentiment, which might result in criminal acts next year or the year after; so that an unlimited extension were sought to be given to the reasons which might induce the Lord Lieutenant to suppress public meetings in Ireland. He listened with all due gravity to the Home Secretary's exposition of his experience in connection with the Irish Government, because he was not aware until that statement was made that the Home Secretary had been particularly distinguished for any experience of Irish affairs whatever. But, doubtless, the Home Secretary possessed the rare power of acclimatization; and, having already been in charge of a Coercion Bill for Ireland, he felt himself qualified to be "Sir Oracle" on all the details of the Irish Government, and all the results of Irish experience. What he (Mr. O'Donnell) wished to know was, if it was the experience of the Irish Government that public meetings and disturbing outrages were at all connected? If they were at all connected, it was in a way that was by no means favourable to the argument of the Home Secretary. When they suppressed public meetings they had disturbances and outrage, and not when they had public meetings. Since the meeting at Wexford, when the hon. Member for the City of Cork (Mr. Parnell) criticized somewhat severely the speech of the right hon. Gentleman at the head of the Government, at Leeds, there had been practically no public meetings in Ireland, and yet disturbance and outrage had most lamentably increased in that country. The experience of the Irish Administration distinctly went to show that the more public meetings were suppressed the more they promoted private outrages; and he was afraid there would be a further confirmation of that view if the peculiar Irish experience of the Home Secretary, who had never had any Irish experience at all, was to be taken into account, and the opinion of the Irish Members, who were well qualified to speak on the subject, was to be neglected and ignored by the Government.

Mr. GIVAN said, he had listened to all the arguments which had been adduced in the course of the discussion; but he saw no necessity for applying to every district in Ireland the same repressive measures in regard to the holding of public meetings. Reference had been made to the Province of Ulster, but in that Province, so far as he was aware, no public meetings had been held which were conducive to crime and disorder. If it could be shown that such meetings did take place there, it would be the duty of the Executive to prohibit them, on the ground that they were likely to endanger the public safety; but if it were absolutely necessary to proclaim districts in which public meetings were prohibited, the consequence might be that the whole of Ulster, and the most peaceable portions of Ireland, would come not only under the operation of this section, but also of the 8th—the Curfew Clause—and several other clauses which were regarded as stringent and objectionable. He entirely objected to the suggestion that the power to be conferred upon the Lord Lieutenant of putting a stop to meetings in Ulster, should involve the necessity of proclaiming that Province, or any district within it.

MR. O'SULLIVAN supported the Amendment. He believed that if Ulster were brought under the stringent provisions of the clause, some day or other the people of that Province would join with the rest of the Irish people in asking for the restoration of the rights of the country generally. He supported the Amendment because he considered it to be a fair and reasonable one. He failed to see what reason there was for prohibiting a meeting in a district which was not disturbed. If a district was not disturbed, and there was no reason to proclaim it, why should they prevent any legal meeting being held? If it were found that meetings which were being held were intended to disturb the neighbourhood, it would be easy to proclaim them; but to prohibit a meeting, and to say that it should not be held in a district which was not disturbed, was not only unfair, but most unjust. He saw no reasonable ground why the Government should object to this addition to the clause. He failed to see that it would put them in a worse condition than they were at present. It would not deprive them of any power they now possessed in the slightest degree, and if a district was not in a disturbed state the Lord Lieutenant ought not to be invested with any special powers beyond those he already possessed, which would enable him to interfere with the right of free meeting.

MR. LEAMY said, the hon. Members who had criticized the Amendment in a hostile spirit had evidently not paid attention to the words of the Amendment. The Amendment was to the effect that the clause should have effect only in districts which had been previously proclaimed, and in which there was such disturbance as to require the application of the provisions and powers of the clause. Some hon. Members appeared to think that if the Amendment were adopted counties would be proclaimed, so as to subject every person residing in them to the consequences of being resident in a proclaimed district. That was a mistake. If the Amendment of his hon. Friend were accepted, it would simply give the Lord Lieutenant the power of proclaiming a district for a special purpose—namely, that he might be able to put down a meeting. It was proposed that if a man happened to be out after sunset, or was a stranger in the district, he should be liable to arrest; but this could only be done in a proclaimed district. Yet the present clause proposed to give power to the Lord Lieutenant to prohibit a meeting in a district which was not proclaimed. He did not see, if the Amendment were adopted, how the Executive would be in a worse position than they were at present, because the Lord Lieutenant had already power to suspend any meeting whatever. He supported the Amendment, because he believed it would unquestionably tend to limit the power of the Lord Lieutenant. The hon. Member for Monaghan (Mr. Givan) said there would be inducements, if the Amendment were adopted, to bring Ulster under the operation of the Bill. So far as he (Mr. Leamy) was concerned, he should be glad to see that inducement given effect to. He stood up for the right of free speech and liberty in Ireland; but he thought there ought to be liberty of speech all over Ireland, and if these restrictions were to be applied to the whole country, instead of finding a certain section of the Irish Members supporting the Government, they would be found in active opposition to the Bill. It certainly was an extraordinary thing to him how this clause could meet with any support at all from hon. Members opposite.

MR. GIVAN said, he wished to correct a misapprehension into which the hon. Member for Waterford (Mr. Leamy) had fallen. So far as he (Mr. Givan) was personally concerned, he objected to the clause altogether.

MR. MARUM desired to mention why he felt himself bound to support the Amendment of the hon. Member for Louth (Mr. Callan). It appeared to him that the fact of the Bill being of a general character, extending over the whole of Ireland, had been forgotten, and that no public meeting could be held to which this section would not apply. It must also be remembered that there was a very stringent clause applied to acts done or words spoken, so that that clause, taken with the present, placed liberty of speech at a very low ebb indeed. He thought the provision in regard to words spoken ought to operate sufficiently, and he was of opinion that unless the Amendment were accepted the right of public meeting in Ireland would be put a stop to altogether.

Sir EARDLEY WILMOT said, he hoped that the Government would not accept the Amendment, which would render the clause nugatory. If a proclamation were necessary to make a meeting illegal, the expedient would be resorted to of holding meetings in districts which were not proclaimed. He was old enough to remember the time when prize fights were of constant occurrence. They were considered illegal, and when it was known that one was about to take place a Justice of the Peace, attended by constables, went out to prevent it from taking place; but when they got to the spot, the whole assembly had migrated into an adjoining county in which the authorities, who had come to interrupt the proceedings, had no power, and thus an evasion of the law took place. So it would be if the prohibition of public meetings were confined to proclaimed districts. A meeting would be held in a district which had not been proclaimed by the Lord Lieutenant, and, therefore, the clause would be rendered nugatory by the acceptance of the Amendment.

Mr. REDMOND said, the hon. Baronet (Sir Eardley Wilmot) was entirely under a misapprehension in regard to the case he had put. It would be impossible in Ireland for a meeting, after having been prohibited, to migrate to an unproclaimed district, because the Lord Lieutenant would still have the power of suppressing it. The only difference would be that it would be impossible to inflict a penalty of six months' imprisonment on the persons attending the meeting at the present moment. Without any proclamation at all the Lord Lieutenant had ample power for dispersing illegal meetings held in any district. The hon. and learned Member for Dundalk (Mr. C. Russell) had fallen into the same error as the hon. Member for Warwickshire (Sir Eardley Wilmot). The hon. and learned Member for Dundalk said the Lord Lieutenant might be tempted, if the Amendment were accepted, to proclaim districts.

Mr. CHARLES RUSSELL: To obtain the power given by the clause.

Mr. REDMOND said, that meant the power of inflicting a penalty of six months' imprisonment. The hon. Member for Monaghan (Mr. Givan) had also fallen into an error in asserting that the object of the Amendment was to extend the powers of the Bill to Ulster. That was entirely contrary to the real facts of the case. Their object was to keep it away from places which were not disturbed; and if the Amendment were adopted, Ulster, not being a disturbed district, would be exempted from the operation of the provisions. He was sorry that the hon. Member for Monaghan (Mr. Givan) had mistaken the attitude of the Irish Members towards Ulster. The hon. Member had accused them of a desire to extend the provisions of the Bill to Ulster. They had opposed throughout its application to any part of Ireland; and if any hon. Member had helped Her Majesty's Government to pass this legislation, it was the hon. Member himself and his Friends, who had voted for the second reading of the Bill.

Mr. WARTON suggested that the Irish Members might attain their object by moving to amend the clause on Report by prefixing to it the words "in proclaimed districts."

Mr. METGE said, the hon. and learned Member for Bridport (Mr. Warton) was acting under the same misapprehension as the hon. Member for Monaghan (Mr. Givan). The words of the Amendment did not seek to proclaim the district, but they were to the effect—

> "That it shall not be lawful for the Lord Lieutenant to order, under the provisions of this Act, any such prohibition of a meeting, nor shall any person be guilty of an offence under this Act who may be present at a meeting so prohibited, unless the Lord Lieutenant shall, by proclamation previously made, declare the county, or the district of county in which the meeting is to be held is in such a state of disturbance as to require the application of the provisions and powers in this Clause."

He did not think that the speech which had been made by the hon. Member for Monaghan (Mr. Givan) would tend to foster that kindly feeling between the Members for Ulster and the rest of the Irish Members, which some hon. Members seemed to think ought to exist.

Mr. GILL said, he hoped the Government would accept the clause. From their point of view there were two things required in Ireland. They had already full power to prevent meetings, whether they were proposed to be held in proclaimed districts or not, if they considered that they might lead to disorder. He himself thought that in those parts of Ireland which it was not necessary to proclaim, and which were, therefore, supposed to be inhabited by people who did nothing to injure the public safety, it was quite sufficient to have the power of stopping a meeting when it was convened, without subjecting the people who attended it to punishment. By accepting the Amendment, the Government would not put themselves in a worse position than they were now occupying, except that they would not have the power of subjecting people in the quiet parts of the country, such as Ulster, to severe punishment.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he did not think that the Amendment would effect the object of its supporters. Districts only could be proclaimed when crime and outrage were prevalent in them, and it was, therefore, desirable that the proclaimed districts should be as few as possible. The Government did not wish to bring down on a whole district a sentence which it did not deserve; they only wished by the clause to be able to stop meetings, the holding of which would be dangerous in an unhealthy condition of things.

MR. CALLAN said, the 20th clause of the Bill, which had just been alluded to, was not at all pertinent to his Amendment.

MR. MITCHELL HENRY said, there were some Members who, although they did not intend to vote for the Amendment, would vote against the clause. For his own part, he thought the Amendment would make the clause logically worse than it was at present, and, therefore, he should not vote for it. The Amendment was introduced by the hon. Member for Louth, on the distinct ground that meetings should not be prohibited except in proclaimed districts, and several hon. Members opposite had also spoken in the same sense.

MR. CALLAN: I said nothing of the kind.

MR. MITCHELL HENRY said, in the Province of Ulster the Government of the Lord Lieutenant had repeatedly and with good effect proclaimed meetings announced to be held on the 12th of July. That power had always been exercised with the approbation of the majority of Irish Members. But if this Amendment were accepted, the Lord Lieutenant must previously proclaim the Province of Ulster, or some portion of it in which the meetings were to be held. For these reasons he felt it his duty to vote against the Amendment.

DR. COMMINS said, he should vote in favour of the Amendment and against the clause; but, in saying that, he wished to guard himself against being supposed to endorse the opinions of the hon. Member who had just sat down. The hon. Member for Monaghan (Mr. Givan) and the hon. Member for Galway (Mr. Mitchell Henry) had spoken of the Amendment as if the adoption of it would draw down upon a district all the penalties of the general proclamation under the 20th clause of the Bill. But in that they were entirely mistaken; and had they read the clause attentively they would have arrived at a different opinion, at the same time saving themselves from the strictures of the hon. Member for Louth. The Amendment of the hon. Member for Louth was—

> "That it shall not be lawful for the Lord Lieutenant to order, under the provisions of this Act, any such prohibition of a meeting, nor shall any person be guilty of an offence under this Act who may be present at a meeting so prohibited, unless the Lord Lieutenant shall, by proclamation previously made, declare the county, or the district of the county in which the meeting is to be held is in such a state of disturbance as to require the application of the provisions and powers of this Clause enacted."

It would be seen from this that the Amendment made a provision for special proclamation in the case of prohibition of meetings. According to the Bill as it stood, the Lord Lieutenant had neither political, legal, nor Constitutional responsibility, and it depended entirely upon himself whether or no he had any moral responsibility. Irish Members did not yield in matters which affected the liberties of the people of Ireland to the conscience of any man, although he would not deny that the Lord Lieutenant had as much conscientiousness as anybody else. But this clause was conferring an utterly irresponsible power, and the only way of preventing that power being abused was to surround it with restrictions. This was the well-known Constitutional method of preventing the abuse of such powers. Therefore, as the Lord Lieutenant would still retain the power of prohibition in the case of public meetings, he saw no harm in the adoption of the Amendment, and should vote for it accordingly.

Mr. BIGGAR said, he thought the hon. Member for Galway (Mr. Mitchell Henry) had scarcely grasped the meaning of the Amendment before the Committee. The hon. Member said the Government had from time to time, with beneficial effect, proclaimed Orange meetings in Ulster, and he had argued as if that power would in future be interfered with. But that was not at all the effect of the Amendment of the hon. Member for Louth. The power of prohibition, referred to by the hon. Member for Galway as having existed before, would continue to exist if the Amendment were adopted. The clause proposed to inflict a special punishment upon persons who did not stay away from a meeting that was likely to lead to an infringement of order; and the Amendment of the hon. Member for Louth did not affect the principle of the clause, directly or indirectly. But the Government had no pretence whatever for asking for the powers under the clause unless there was disturbance in the district. When any part of Ireland was peaceable, the reasons which the Government might otherwise have for the prohibition of public meetings was taken away, and they had no excuse for interference by means of a Bill of this kind. As the hon. Member for Louth had pointed out, the special proclamation to which he referred had only reference to this particular clause, and to no other part of the Bill whatever; and he said that the sole object of the Amendment was to throw another obstacle in the way of arbitrary action on the part of the Government. Irish Members complained not only of the arbitrary but the sudden action of the Government in Ireland—they complained of the power which the clause would give of springing notices of prohibition on the people, and so bringing about conflicts between the people and the authorities. If a district were in a disturbed condition, there was, perhaps, reason for suppressing meetings; but when it was peaceable there was no necessity or justification for such a course, unless, as some were inclined to do, the object was to destroy the right of public meeting in Ireland altogether. He regarded the Amendment as extremely fair and reasonable; and he did not see how the hon. Members for Monaghan (Mr. Givan) and Galway (Mr. Mitchell Henry) could object to it on the grounds stated by them, because the clause would still make it competent to the Lord Lieutenant to prohibit meetings of Orangemen on the 12th of July, for which great preparations might have been made, and these Orangemen, having made arrangements for their meeting, would be liable to be put in prison for insisting on exercising their Common Law right to hold a meeting which was prohibited simply by the will of the Lord Lieutenant. He and his hon. Friends had always insisted on the right of public meeting in the case of Orangemen; and he had himself been a supporter of Mr. Johnson, the former Member for County Down, when he was prosecuted for having taken part in an Orange procession. Not only did he sympathize with him, but he became a subscriber to the fund created for the purpose of indemnifying him for the inconvenience suffered in his endeavours to insist on the right of public meeting in Ireland. He repeated that he and his hon. Friends were always in favour of the right of public meeting, either in Ulster or anywhere else, although they were not in favour of bands and banners, and things calculated to irritate the feelings of persons who held different views from those which the meetings in question represented. He maintained that the arguments of the hon. Members opposite to whom he had referred were quite inapplicable to the Amendment, which he should feel it his duty to support.

Mr. CALLAN said, notwithstanding the argument of the Attorney General, his Amendment had no reference whatever to the 20th clause of the Bill. The 20th clause did not authorize the Lord Lieutenant to act of his own motion, but with the advice of the Privy Council in Ireland; whereas his Amendment reserved action to the Lord Lieutenant without the intervention of the Privy Council. That was a most material point. But there was a still more material difference. The 20th clause said that—

> "The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may

from time to time, when it appears to him necessary for the prevention of crime and outrage, by proclamation declare the provisions of this Act which relate to proclaimed districts to be in force."

But his Amendment was specific and not general in its terms, for it did not authorize the Lord Lieutenant to proclaim a district; it only authorized him to suppress meetings within it when, by previous proclamation, he had declared the district to be in such a state of disturbance as to require the application of the provisions and powers in the clause enacted. It would be seen from this that his Amendment did not authorize the Lord Lieutenant to proclaim a district for the purposes of this Act, but for the purpose of enabling him to suppress illegal meetings within it.

MR. DICK-PEDDIE said, he should feel it his duty to vote both against the clause and the Amendment.

Question put.

The Committee *divided*:—Ayes 27; Noes 266: Majority 239.—(Div. List, No. 145.)

On Question, "That the Clause, as amended, stand part of the Bill?"

MR. CHARLES RUSSELL said, he rose for the purpose of moving the rejection of the clause. He believed the Committee would agree with him that there ought not to be any increase of the power of the Executive in Ireland, or the creation of any new offence, unless on the clearly proved necessities of the case. That opinion, he believed, would be accepted by hon. Members on both sides of the House. Now, he asked, did that proved necessity exist for the present clause? The clause enabled the Lord Lieutenant, in such cases where he came to the conclusion, on the information supplied to him, that any meeting was likely to prove dangerous to the public peace or the public safety, peremptorily, arbitrarily, and summarily to prohibit that meeting. But the clause did more than that; it made it an offence for a person knowingly to attend any such meeting. There was no such offence known to the law at the present time. It was important to consider the state of things in which this proposal was brought forward, and the state of things to which it was supposed that the clause would be applied. He asked hon. Members, in any part of the House, what were the meetings in Ireland which the existing powers of the law had been found insufficient in the interest of peace and safety in Ireland to cope with? Had any such occasion arisen, or in what place had it been found that the powers with which the Executive were already armed were inadequate to the purpose of the clause? He ventured to say, whatever hon. Members might think or express to the contrary of the conduct of the Irish people in particular districts, that there was one remarkable feature in the whole behaviour of the people of Ireland with regard to this question of public meeting, and that was, that whenever the Executive had thought it right to intervene and prevent a meeting up to the present time, on the sworn information that it was dangerous to the public peace, the greatest alacrity had been shown in yielding obedience to the law. Again, he asked, where was the proved necessity for that extraordinary power proposed by the clause to be conferred on the Lord Lieutenant? He said there was none. He would now inquire what was the existing law on this subject, and in doing so anything he might say would, of course, be subject to correction. The law, as he understood, was that a meeting, however peaceable it might be in itself, and however little it might tend to disturb the public peace, was in itself unlawful if the object it aimed at, or the means by which it sought to attain them, were unlawful; and the Lord Lieutenant had the right to invoke to the aid of the Executive the power of the law to put it down. Further, if the meeting, perfectly legal in itself, having a legal object, and professing to carry out that object by legal means, were held under circumstances which were shown upon sworn information to be dangerous to the public peace, the Lord Lieutenant had power to interfere and disperse the meeting. And the law further provided that if, upon a proclamation of that kind being made, there was reason to apprehend a breach of the peace, and the people did not disperse, then, by the reading of the Riot Act—which, by the way, gave larger powers than was proposed in this clause—any person who continued to take part in the meeting, would be subject to the penalty of the law, and could be dealt with accordingly. He was anxious to know how the right hon. and learned Gentleman the Home

Secretary would meet these arguments. Where, he asked, was there a case in which it had been found that these provisions of the law, as they existed, were not adequate to the necessities of the case, or where had it been found that the penalty attached by the existing law was inadequate to the offences committed? He said, if such things had occurred, they should be proved to have taken place. But no instance was forthcoming; and, therefore, he affirmed that the only basis on which the clause could safely rest, and the sanction of the Committee be given to it, could not be made out to exist. It would be said that the powers which the Executive possessed were rather vague and undefined. He met that by saying that, in his opinion, there was no harm in leaving undefined the powers of the Executive for dealing with the great Constitutional right of public meeting; and he appealed to hon. Members representing other than Irish Constituencies, to ask themselves how they would like to have applied in England this clause, and what the people of England would say if it were attempted by hon. Members opposite to effect this grave alteration of the right of public meeting in this country? The consequences of a clause of this kind were far-reaching and dangerous. These were not only the mere act of putting down public meetings, but the effect which the clause would have upon the public mind in making men afraid to discuss what they felt to be their grievances in the light of day. He feared it would be found that by preventing men in the open, deliberate, and full expression of their views, a greater evil would be created, because the matters so removed from open discussion would find their expression in the baneful organizations which it was now sought to put down. He asked the Committee to reject the clause, because it was unnecessary, because no case had been made out for it, and because it was likely to be dangerous in its consequences.

Mr. H. H. FOWLER said, he yielded to no Member of the House in the desire to support Her Majesty's Government in legislation — severe and stringent legislation—for the purpose of putting down crime, outrage, and intimidation in Ireland. But he could not find, and he had not heard, in the whole course of this discussion, any reason drawn, either from principle or expediency, which could justify him in voting for a clause which practically suppressed the right of public meeting in Ireland. In times of great political excitement, whether in Ireland, in England, or on the Continent, there was always a certain amount of what he might call political gas generated, and there were two ways of dealing with it. They might allow it to escape when the pressure was harmless, or they could confine it until the pressure became irresistible, and resulted, as was generally the case, in a dangerous explosion. The people of England were in the habit of saying to Continental Governments that it was the wisest and safest thing to allow the freest possible expression of public opinion, and to allow the acts of the Executive Government to be openly criticized. He held there was less danger in doing that now than in proceeding by the measures which this clause contemplated, and which, he believed, would have the result which his hon. and learned Friend had pointed out. The strength of a political principle was like the seaworthiness of a ship—it was to be tested by the way it would stand bad weather. Any ship would behave well in fine weather; but a political principle which would not bear the test of grave political crises was not a sound political principle. They had always contended that Constitutional government, so far from being endangered, was rather strengthened by the free expression of public opinion. He looked upon this matter from a political point of view, because he regarded the clause as opposing political agitation in one of Her Majesty's Three Kingdoms. It had been said by the Prime Minister that "crime dogged the steps of the public meetings of the Land League." He would admit, for the sake of argument, that outrage had followed public meetings of the Land League in Ireland. But by this Bill it was provided that if a man by speech incited to the commission of outrage, he could be brought before the magistrates and sentenced to six months' imprisonment. He said the Government could not have a better means of dealing with intimidation that might be attempted by public meeting. There was not a single consequence which either the Chief Secretary or the Secretary for the Home Department had pointed out as likely to follow from inflammatory public meetings which could not be fully and completely dealt with under the other clauses of the Bill. But the Chief Secretary said that this measure would be wisely administered. He laid great stress on the administration of the Act. Now, he (Mr. Fowler) had as much confidence as any man in the fair and impartial administration of Lord Spencer and his right hon. Friend. He did not know where at that moment two more competent persons could be found to fill the posts which they occupied; but he could not accept it as any justification of a bad law that it would be wisely or temperately administered. But he could perceive another danger resulting from the actual administration of this Bill. The Committee would remember that they had a far stronger power than was now proposed in the Riot Act for dealing with these meetings. Assuming this clause to be put in force, the men who were the real promoters of the meetings, who went there to say the things which the Government deprecated, were not the persons who would come within the sweep of the Bill. It was always those unfortunate persons who were innocently attending the meetings who became the victims and sufferers. The result of this would be that the very people who now supported the enactment of the clause would be most indignant with the natural results of their own legislation. What had happened in this country? It was almost half-a-century since what was described as the Peterloo massacre took place in this country, an event which Manchester had never forgotten nor forgiven. To put this clause in force would be to land the Government in Ireland in greater difficulty than it was in at present. They were engaged in passing a measure which would enable the Irish Executive to deal with every development of crime, and he contended that there was no necessity to deal also with the right of public meeting in Ireland, which was the safety valve for the expression of the political opinions of an excited people. By all means let the people of Ireland criticize the action of the Government. No doubt, they would not do that very pleasantly. Strong language would be applied, no doubt, to the policy of the Government; but this would do no harm in itself, nor would it do harm to the Government of Lord Spencer. On the contrary, he thought that this criticism would do the Government some good, even though it were expressed in unwise, objectionable, or intemperate words. He felt it his duty to vote against the clause, because he believed that the suppression of the right of public meeting would produce far greater evils than it was intended to prevent.

SIR WILLIAM HARCOURT said, it was with very great regret that the Government felt bound to dissent from the view taken by his hon. Friend the Member for Wolverhampton. With every respect for his hon. Friend, he thought the views he had expressed were somewhat to be regretted at that moment, because, as had been stated by the hon. Member for Wexford (Mr. Healy), it was support of this character which encouraged hon. Members opposite to go back to the principles of the Bill. Now, he contended that this question could not be solved by general argument upon the value of public meetings. Everyone knew the value of public meetings, just as they knew the value of trial by jury; but the Committee, by passing the 1st clause of the Bill, had suspended trial by jury in Ireland, so far as the offences named in the Bill were concerned. The same kind of common-places could always be uttered, both on the value of trial by jury, and on the value of public meetings. They were, however, common-places against the second reading of the Bill, and did not affect the question at issue; and although the hon. Member for Wolverhampton had directed his remarks against the clause itself, his speech was really against every kind of legislation for the suppression of public meetings. He had been struck particularly by one remark of his hon. Friend, who said for the sake of argument he would admit that these public meetings had led to outrage and intimidation in the past, but that there was no necessity for further interference, inasmuch as the Government already possessed machinery for putting down outrage and intimidation. The position taken up by the hon. Member for Wolverhampton was very like that of a man who supplied himself with an excellent fire-engine, and then concluded there was no use in taking any further precaution against his house being set on fire. That was exactly the case with regard to the hon. Member's objection to this clause. Because the Government could put down intimidation, therefore they were not to interfere with public meetings which were likely to lead to intimidation, and it was upon that ground that the Committee were asked to reject the clause. His hon. Friend had referred to the evils which might arise from putting down public meetings by force, and had alluded to Peterloo by way of illustration; but it was the Peterloo system which was in force in Ireland under the existing law. It was because the Government could now suppress meetings dangerous to the public peace only by an exhibition of force that the present clause was proposed. The object of the clause was, by inflicting penalties, to prevent such disasters as his hon. Friend had referred to. Thus the clause would supply the means of putting down meetings avowedly held for the purpose of "Boycotting" and punishing those who persisted in attending them in spite of their prohibition; and, therefore, he desired it to be understood that any Gentleman voting against the clause would vote against giving the Government the power of putting down "Boycotting." The hon. Member for Wolverhampton had referred to Whig principles. He trusted he had as much respect for those principles as his hon. Friend. He confessed that he was a Whig, and he was ready to act as the great Whigs had done in old times, who never allowed themselves to be seduced by commonplace phrases when great political dangers were to be dealt with. The first fruit of the Reform Bill was the bringing in of the Act of 1833. That Act was brought in by men who fought for their principles, and for 50 years sacrificed every hope of political advantage. They did not consider themselves for one moment when they found the country in danger, but applied the remedies which they and everyone else knew to be necessary. These were the reasons which induced Her Majesty's Government to take such steps as they believed would be sufficient for the safety of the country. These were the reasons which induced the Irish Government under Lord Spencer to declare that, in their opinion, the country would not be safe without this clause, and to state that, in their opinion, this unlimited right of public meeting had been one of the main causes of the present condition of Ireland, and of the crime and outrage which prevailed there. It was for these reasons, and for these reasons alone, that the Government now asked the House of Commons to support them in this clause. They were told that this Act of Coercion would not produce the results which the Government expected from it. Yes—the Government having proposed a Bill which they considered likely to achieve the results they desired, the endeavour was then made to weaken it and cut it down, so as to bring about the failure that was prophesied. He appealed to hon. Members to allow the clause to pass.

Mr. J. LOWTHER said, that, notwithstanding the great ability with which views opposite to his own had been supported, he was still of opinion that, without this clause, very great difficulties would be thrown in the way of the Executive Government in Ireland. The hon. Member for Wolverhampton (Mr. H. H. Fowler) had spoken of outrages being caused by the language used at public meetings in Ireland; nevertheless, he did not seem to think that the Government should be placed in possession of powers sufficient for the prevention of public meetings in the manner proposed by the clause. The hon. Gentleman, however, got to somewhat safer ground when he said that the advice which was tendered to Foreign Governments with regard to matters kindred to the subject now before the Committee, would be inconsistent when the Government of the country became a party to the clause under discussion. But he (Mr. Lowther) thought the best way to avoid such inconsistency was very easily discoverable—it was to discontinue giving advice unsought to Foreign Governments, who were certainly as competent as our own to manage their affairs. It was to be regretted that the right hon. and learned Gentleman the Home Secretary, who, he was bound to say, had, up to the present time, discharged his duty with great firmness, should have been called away for a moment upon public business, because, during his absence, an Amendment of importance had been under discussion, and was afterwards accepted by one of his Colleagues. He believed that Amendment would prove very injurious to the clause itself, inasmuch as it provided that two or more

Justices should attend at the place where they had reason to believe a meeting was to be held.

SIR WILLIAM HARCOURT: That Amendment was accepted at my special instance.

MR. J. LOWTHER said, he had not stated that the right hon. and learned Gentleman disapproved the Amendment accepted by his Colleague; he had simply expressed his regret at the absence of the right hon. and learned Gentleman when the Amendment was under discussion, which fact precluded the right hon. and learned Gentleman from hearing the strong arguments which were forthcoming against the change introduced into the Bill. He (Mr. J. Lowther) thought that what had taken place was illustrative of the great disadvantage of a measure of this kind being in the hands of a Member of the Government, who could not possibly have an opportunity of making himself acquainted with the opinions of the authorities in Ireland with regard to particular Amendments proposed to the Bill. If the right hon. and learned Gentleman had had the experience which it it was his (Mr. J. Lowther's) misfortune to have of the difficulty of contending with a movement of the kind now going on in Ireland, he would have known that the Amendment that had been accepted by his Colleague would make the clause practically unworkable. The Amendment made it necessary, as he had already pointed out, for two or more Justices to attend at the place appointed for the meeting. The general practice would be found to be that a large number of meetings would be simultaneously called in the same district. That was the practice when he was a Member of the Irish Executive, and he had known several instances of the kind. The plan would be to call meetings in almost every village throughout the district for one particular day. The persons who promoted these meetings would have a pretty good idea which meeting or meetings the authorities took especial precautions to deal with, and they would probably select a rendezvous not immediately under the eyes of the authorities. The effect of this was that, while the Justices were engaged elsewhere, the promoters of the meeting took the precaution to repair to a spot not far off, and there the meeting took place. His objection to the Amendment was founded upon experience, and the circumstances he had referred to were not unlikely to occur in the future. At the risk of detaining the Committee, he felt it his duty to call attention to this subject, in the hope that, between that time and the Report, the right hon. and learned Gentleman the Home Secretary would consult some practical authority on Irish affairs, who had had experience of the way in which public meetings in Ireland were conducted, and that he would consent either to the omission of the Amendment, or to so far modifying it as to remove some of the practical objections he had indicated.

MR. JOSEPH COWEN said, the Home Secretary had complained of the length of the discussion on the clause before the Committee, and, at the same time, had congratulated himself that he was an old Whig. If that was so, he ought to have recollected that the founders of the modern Whig Party—Mr. Fox, Mr. Whitbread, and others—spent a very much longer time in discussing a similar clause in a Bill that applied to England. They fought against the suspension of the right of public meeting with more persistency than the hon. Gentlemen opposite had fought against that clause, and their fighting was accounted by their Party as an honour. The Home Secretary had twitted the hon. Member for Wolverhampton (Mr. H. H. Fowler) with having indulged in Liberal common-places. It might be retorted upon him that he had indulged in despotic common-places, for the substance and the spirit of his speech were just such as would have been fitting in the mouth of the Minister of an unchecked Tyrant. It was the sort of speech that any Minister of Louis Bonaparte would have made when trampling out the liberties of the people by a military force. The right hon. and learned Gentleman had referred to Lord Grey and to the Government of 1833. It was an unhappy reference. Lord Grey came into power upon a wave of popular enthusiasm and with a large majority at his back. He carried an Irish Coercion Bill, which was described by the late Lord Lytton as consisting of two sections—a whiff of grapeshot, and the suspension of trial by jury. The Bill was as complete, as disastrous, as hideous a failure as the Coercion Bill of last year had been. Lord Grey and his Colleagues—as the present Administration were now doing—attempted a second Coercion Bill; but Lord Althorp, a statesman that the Home Secretary had often quoted during these debates, objected to the measure. The negotiations that took place between him, Mr. Littleton, and Mr. O'Connell, ended in the defeat of the Government and the abandonment of the Bill. It was not at all improbable that as Irish coercion had killed Lord Grey's Government—with all its popularity and its power—Irish coercion would kill the present Administration also. After the retirement of Lord Grey, Lord Melbourne initiated a better policy, and, under his mild administration and without coercion, Ireland enjoyed a period of peace and prosperity such as had seldom fallen to her lot since the Union. This much for the Home Secretary's historical allusions. As for the clause before the House, his hon. and learned Friend the Member for Dundalk (Sir Charles Russell) and his Friend the Member for Wolverhampton (Mr. H. H. Fowler) had stated clearly, ably, and eloquently all that was necessary to be said. It only remained for him to say " ditto " to their speeches. Their contention was unanswerable. No one denied that the Government ought to have the power to suppress meetings that were likely to be dangerous to the peace of the country and the stability of the State. Everyone admitted that all Governments ought to have such a power, and to suppose that any Government had not such a power would be to suppose that it could not justify its existence. The most loosely-organized Republic in South America possessed the right of putting down riotous and tumultuous assemblies that threatened its existence. And our Government had exercised a like power in Ireland repeatedly. More than 100 public meetings had been suppressed within the last 12 months by the Lord Lieutenant, and the strongest argument against the clause was the fact that the suppression of not one of these meetings had led to the slightest disorder. No one had been arrested, the peace had not been broken, and the people had quietly and promptly obeyed even the arbitrary and, in some instances, uncalled-for exercise of authority by the Viceroy. The clause, therefore, was useless. But while the Government did not want the power they were now getting, the fact of their getting it would be a source of exasperation and annoyance. The Home Secretary had said that these meetings generated steam. That was quite true ; but the material for making the steam existed, or it could not be generated, and the meetings afforded an opportunity for its evaporation. But the Government, instead of adopting the natural and reasonable process of getting quit of the steam, were going to bottle it up and await the results, however serious they might be. English Members complained of the length of the discussion ; but he would like to know how they would have argued against, and how strenuously they would have resisted, any attempt to deprive them of the right of public meeting. There was no Party in the State that utilized public meetings more than the Liberal Party did. They were the breath of their political nostrils. And yet the idolizers of public meetings in this country were now about to suppress them in Ireland. It was to the lasting discredit of the present Administration that they were bringing in a Bill that struck at the foundations of all the principles their Party professed. They had suspended the Habeas Corpus Act, and they were now abolishing trial by jury. They were suppressing the right of public meeting, and they meant to take away the liberty of the Press. And they would have men who valued principles more than Party to sit still and allow these things to be done quietly, and without protest. If they conceived that they would be permitted to enforce their high-handed authority in Ireland without resistance, they were mistaken. He knew, of course, the clause would be carried. Only an insignificant minority would vote against it. But the necessity for its opponents making their protest was none the less urgent because they were few.

Mr. SEXTON said, the Home Secretary had told them a hundred times of the position in which the Government were placed. But in what position were the Government placed during the delivery of the speech in which the right hon. and learned Gentleman made attacks on the sacred principle of popular liberty ? The speech of the right hon.

and learned Gentleman had been met by cheers; but these came only from the Tory quarter of the House. It appeared to him a most curious circumstance that a man who described himself as a Whig of the old times should be placed by the Government in charge of a Bill for the suppression of the liberties of the Irish people. The right hon. and learned Gentleman had quoted the case of Earl Grey, and when he desired to remind the Committee of the achievements of the Whig Party, he spoke of the infamous Coercion Bill of 1833, a Bill which was not only a failure, but a blunder, and which was the cause of the expulsion of Earl Grey from power. He could not congratulate the right hon. and learned Gentleman on the happiness of his metaphors. The right hon. and learned Gentleman said that those who were opposed to this clause were in the position of a person who thought it was no longer necessary to take precautions against fire because he was in the possession of a fire-engine; but he would point out that the right hon. and learned Gentleman's method of dealing with Irish affairs was that, so to speak, of bringing up the fire-engine amidst hurry and noise to a house that was not on fire at all. Nor could he congratulate the right hon. and learned Gentleman on his reply to what he designated the commonplaces of his hon. Friend the Member for Wolverhampton (Mr. H. H. Fowler), who was opposed to the clause before the Committee. He did not think that the treatment accorded to the hon. Member for Wolverhampton would have been approved of by the Prime Minister; and he would only observe upon this point that the conduct of the right hon. and learned Gentleman was likely to lead to the very opposite results to those which he desired. There was no law which struck so large, so wide, so fatal, and so dangerous a blow at the great principle of public freedom as this law would. He had said that the right of public meeting was a sacred link between the convictions of the private individual and the opinions and acts of the Legislature. If the right of public meeting in England was so sacred that no Ministry dare propose to abolish it, was it not ten times more valuable and more essential in the case of Ireland? No country so much needed the right of public meeting as a country without a Parliament of its own. The people of England had a Parliament of their own, and even if the right of public meeting were taken away, the English people would still have in that House some protection against acts of despotism; but what protection had the Irish people? They had no Parliament of their own, and the voices of their Representatives in that House were disregarded, and their votes had no influence whatever upon the course of legislation. It was now proposed to take away the last safeguard they possessed—the right of public meeting. What case had been made out by the Government for this clause? The Home Secretary once more returned to the futile statement that this clause was necessary to prevent "Boycotting" meetings. Let him (Mr. Sexton) emphasize the undeniable fact that the Lord Lieutenant of Ireland, during the past year, had prohibited about 100 meetings in various parts of Ireland, meetings called for various purposes, some of them for the mere discussion of the agrarian questions. In not one single case had a meeting been held when it had been prohibited; but the leaders of the people had invariably advised the crowds to disperse; there had never been any occasion to resort to brute force, and in no case had public inconvenience ensued. Why, in the face of such a state of facts, had this most wanton and oppressive clause been inserted in the Bill? What was the theory of the Government in Ireland in respect to "Boycotting?" They had heard from the late Chief Secretary (Mr. W. E. Forster) that "Boycotting" never received an effective sanction except by means of outrage. If that were so, why were not the present powers of the Lord Lieutenant sufficient? He had prohibited meetings upon two grounds; he had either apprehended a breach of the peace, or he had apprehended danger to some person living in the neighbourhood. If the Government were of opinion that "Boycotting" necessarily led to outrage, a theory which he rejected, if they considered that "Boycotting" meetings were dangerous to the public peace, why not prohibit them under their present powers? He believed they could prohibit a "Boycotting" meeting under the powers which now existed. There never was a time in the history of

Ireland when the right of public meeting was so essential to the people. They had many great questions to consider; but he did not imagine that, under this Bill, it would be possible to hold any public meeting for the discussion of any political question. Could a meeting be held to consider the question of county government? Certainly not; it would excite ill-feeling amongst the Grand Juries of the country, and it would be considered as dangerous to the public safety. Could the Irish people hold a meeting in favour of the further development of the franchise? Certainly not, for such a meeting would create ill-feeling and hatred in the minds of those people who thought that the representation of Ireland in that House should be upon a much larger principle than it was at present. If the people held meetings to consider the proceedings of the Land Commissioners, they would be held liable to punishment under this clause, because the meeting would be considered dangerous to the public peace. Could the people hold meetings to discuss a question which, before very long, would have to be settled in that Parliament—the question of the inalienable right of the Irish people to their legislative independence? No political meetings would be possible under the extreme and extravagant powers which it was now proposed to give to the Lord Lieutenant. His Excellency might prohibit any meeting merely upon bare suspicion; in fact, all the liberties of the Irish people were to be placed in the hands of a single man. Of all the deplorable mistakes and blunders which had been made in that House in regard to Ireland, the deplorable blunder contained in this Bill was the greatest. In the Preamble of the Bill it was stated that—

> "By reason of the action of secret societies and combinations for illegal purposes in Ireland the operation of the ordinary law has become insufficient for the repression and prevention of crime."

He maintained that the ordinary law was quite sufficient, if wisely and properly used, for the suppression and prevention of crime. This Bill would not touch crime; at least, this clause would certainly not touch crime; it would let criminals go, and its only effect would be to gag honest men and suppress public opinion.

Question put.

The Committee *divided:*—Ayes 208; Noes 65: Majority 143.

AYES.

Acland, C. T. D.
Acland, Sir T. D.
Alexander, Colonel
Allen, H. G.
Allsopp, C.
Armitage, B.
Armitstead, G.
Asher, A.
Ashley, hon. E. M.
Bailey, Sir J. R.
Balfour, J. B.
Balfour, J. S.
Barttelot, Sir W. B.
Bass, Sir A.
Baxter, rt. hon. W. E.
Beach, W. W. B.
Beaumont, W. B.
Blackburne, Col. J. I.
Borlase, W. C.
Brassey, Sir T.
Brett, R. B.
Bright, rt. hon. J.
Brinton, J.
Brooks, W. C.
Brown, A. H.
Bruce, rt. hon. Lord C.
Bruce, Sir H. H.
Bruce, hon. R. P.
Bruce, hon. T.
Burrell, Sir W. W.
Buxton, F. W.
Campbell, J. A.
Campbell, Sir G.
Campbell, R. F. F.
Campbell-Bannerman, H.
Carden, Sir R. W.
Carington, hon. Col. W. H. P.
Chaine, J.
Chamberlain, rt. hn. J.
Childers, rt. hn. H.C.E.
Clifford, C. C.
Colebrooke, Sir T. E.
Corry, J. P.
Cotes, C. C.
Cotton, W. J. R.
Courtney, L. H.
Cowan, J.
Cowper, hon. H. F.
Creyke, R.
Crichton, Viscount
Cropper, J.
Cross, rt. hon. Sir R. A.
Cunliffe, Sir R. A.
Currie, Sir D.
Davenport, H. T.
Davey, H.
Davies, R.
Dickson, Major A. G.
Digby, Col. hon. E.
Dilke, Sir C. W.
Dodds, J.
Dodson, rt. hon. J. G.
Douglas, A. Akers-
Dundas, hon. J. C.
Egerton, Adm. hon. F.
Evans, T. W.
Ewing, A. O.
Fairbairn, Sir A.
Farquharson, Dr. R.
Feilden, Maj.-Gen. R. J.
Ferguson, R.
Filmer, Sir E.
Finch, G. H.
Fletcher, Sir H.
Foljambe, C. G. S.
Folkestone, Viscount
Forster, Sir C.
Forster, rt. hon. W. E.
Fort, R.
Fowler, R. N.
Gibson, rt. hon. E.
Gladstone, rt. hn. W. E.
Gooch, Sir D.
Gordon, Sir A.
Goschen, rt. hon. G. J.
Gower, hon. E. F. L.
Grafton, F. W.
Grant, Sir G. M.
Grantham, W.
Greene, E.
Hamilton, Lord C. J.
Hamilton, right hon. Lord G.
Hamilton, J. G. C.
Harcourt, rt. hon. Sir W. G. V. V.
Hardcastle, J. A.
Harvey, Sir R. B.
Hastings, G. W.
Hayter, Sir A. D.
Heneage, E.
Hibbert, J. T.
Hicks, E.
Hildyard, T. B. T.
Hill, T. R.
Holland, Sir H. T.
Holms, J.
Holms, W.
Home, Lt.-Col. D. M.
Hope, rt. hn. A. J. B. B.
Howard, E. S.
Howard, G. J.
James, Sir H.
Jardine, R.
Jerningham, H. E. H.
Johnson, rt. hon. W. M.
Kennaway, Sir J. H.
Kingscote, Col. R. N. F.
Lacon, Sir E. H. K.
Lawrance, J. C.
Lawrence, Sir J. C.
Leatham, E. A.
Leatham, W. H.
Lechmere, Sir E. A. H.
Legh, W. J.
Loder, R.
Long, W. H.
Lowther, rt. hon. J.
Lusk, Sir A.
Lymington, Viscount

M'Arthur, A.
M'Garel-Hogg, Sir J.
Mackie, R. B.
Mackintosh, C. F.
Macnaghten, E.
Mappin, F. T.
Maskelyne, M.H.Story-
Matheson, Sir A.
Milbank, Sir F. A.
Miles, Sir P. J. W.
Mills, Sir C. H.
Monk, C. J.
Morgan, rt. hn. G. O.
Morley, S.
Mundella, rt. hon. A. J.
Muntz, P. H.
Murray, C. J.
Noel, E.
Noel, rt. hon. G. J.
Northcote, H. S.
Northcote, rt. hn. Sir S. H.
O'Donoghue, The
Paget, T. T.
Parker, C. S.
Pease, A.
Peel, A. W.
Percy, Lord A.
Philips, R. N.
Plunket, rt. hon. D. R.
Porter, A. M.
Powell, W. R. H.
Pulley, J.
Raikes, rt. hon. H. C.
Ramsay, J.
Ramsden, Sir J.
Rankin, J.
Rathbone, W.
Reid, R. T.
Repton, G. W.
Richardson, T.
Rogers, J. E. T.
Round, J.
St. Aubyn, Sir J.
St. Aubyn, W. M.
Schreiber, C.
Scott, M. D.
Selwin - Ibbetson, Sir H. J.
Shield, H.
Simon, Serjeant J.
Smith, A.
Smith, E.
Smith, rt. hon. W. H.
Stanhope, hon. E.
Stanley, rt. hn. Col. F.
Stewart, J.
Talbot, C. R. M.
Tavistock, Marquess of
Taylor, rt. hn. Col. T. E.
Tennant, C.
Thomson, H.
Thornhill, T.
Trevelyan, rt. hn. G. O.
Villiers, rt. hon. C. P.
Vivian, A. P.
Vivian, Sir H. H.
Wallace, Sir R.
Warton, C. N.
Watkin, Sir E. W.
Waugh, E.
Whitbread, S.
Whitley, E.
Wiggin, H.
Wilmot, Sir H.
Wilmot, Sir J. E.
Wilson, C. H.
Wilson, I.
Wilson, Sir M.
Wodehouse, E. R.
Woodall, W.
Wortley, C. B. Stuart-

TELLERS.
Grosvenor, Lord R.
Kensington, Lord

NOES.

Anderson, G.
Arnold, A.
Barran, J.
Biggar, J. G.
Blake, J. A.
Bright, J. (Manchester)
Bryce, J.
Burt, T.
Byrne, G. M.
Caine, W. S.
Callan, P.
Colthurst, Col. D. La T.
Commins, A.
Corbet, W. J.
Cowen, J.
Dickson, T. A.
Dillon, J.
Dillwyn, L. L.
Errington, G.
Findlater, W.
Fowler, H. H.
Fry, T.
Gill, H. J.
Givan, J.
Grant, A.
Henry, M.
Lalor, R.
Lea, T.
Leake, R.
Leamy, E.
Lee, H.
M'Carthy, J.
M'Coan, J. C.
Macfarlane, D. H.
M'Kenna, Sir J. N.
M'Minnies, J. G.
Martin, P.
Marum, E. M.
Metge, R. H.
Molloy, B. C.
Morley, A.
Nolan, Colonel J. P.
O'Brien, Sir P.
O'Connor, T. P.
O'Gorman Mahon, Col. The
O'Kelly, J.
O'Shea, W. H.
O'Sullivan, W. H.
Parnell, C. S.
Peddie, J. D.
Power, R.
Pugh, L. P.
Richard, H.
Rylands, P.
Samuelson, H.
Sexton, T.
Shaw, W.
Sheil, E.
Smithwick, J. F.
Sullivan, T. D.
Synan, E. J.
Thomasson, J. P.
Webster, J.
Wedderburn, Sir D.
Williams, S. C. E.

TELLERS.
Labouchere, H.
Russell, C.

And it being ten minutes before Seven of the clock, Committee report Progress; to sit again *this day.*

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

Clause 8 (Arrest of persons found at night under suspicious circumstances).

Colonel NOLAN moved, in page 4, line 19, after "person," to insert "other than a magistrate or duly qualified medical practitioner or a clergyman." He said that this Amendment was a very simple one. His chief object was to exempt a medical practitioner and clergyman from the odious provisions of this clause. Medical gentlemen and clergymen—especially clergymen of the Catholic Church—had very often to visit sick people at night. Other clergymen, of course, than those belonging to the Catholic Church also visited sick people at night; but more importance was attached to the fact of the clergymen of the Catholic Church being with a sick man at his last moments than was possibly the case with many other Churches. The Amendment, however, would apply to clergymen of every denomination. The Committee would be told that this clause would be administered by police officers, who, as a rule, had very great respect for the doctor and the clergyman. It must, however, be remembered that police constables were generally anxious to assert their authority; and he had no doubt that, in their wish to show their zeal, they would not scruple to arrest a doctor or a priest, no matter what business might have called him out at night. There were very fair grounds for exempting these persons from the operation of this clause; and, therefore, he moved the Amendment that stood in his name.

Amendment proposed,

In page 4, line 19, after the word "person," to insert the words "other than a magistrate or duly qualified medical practitioner or a clergyman."—(*Colonel Nolan.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, that it was not intended that this Act should apply to any such persons as the hon. and gallant Gentleman had mentioned, nor would such persons come under the words of the clause. A doctor was not out at night under suspicious circumstances at all, neither was a clergyman. He might add that the words "duly qualified practitioner" were words that might cause some difficulty. An homœopathist might be out at night, and he might claim to be a duly qualified practitioner and claim exemption. He hoped the hon. and gallant Member would not press the Amendment, which pointed to a class of people who, more than any other, were exempt from suspicion.

Mr. HEALY said, that the people of Ireland knew what suspicious circumstances were considered to be, and they had good reason to know the character of the men who were to suspect the people. The policemen of Ireland had not been particular who they had arrested under the Coercion Bill now in force. Three solicitors and the mayor of one city had been arrested. The right hon. and learned Gentleman the Home Secretary seemed to think that the persons mentioned in the Amendment were the class least likely to be suspected; but no one could possibly know who the Irish Constabulary would regard as suspicious people. The whole purpose of the Irish Constabulary seemed to be to harass and annoy the people of the country as much as they possibly could. Hon. Members who lived in England, and who had got their ideas of the Irish policeman from *The Illustrated London News*, could have no conception of the courses to which the Irish police resorted to harass and annoy every person who came in their way. The right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) knew something about the Irish police, for, eight or nine years ago, he denounced them as a body. The right hon. Gentleman then said that at all times the Irish police were found with their arms, and guns, and sabres, as if Ireland was a foreign country taken by assault. He could not see what earthly reason the Home Secretary could have for refusing to insert these words. What contention need there be between the Government and Gentlemen on that side of the House on this point. If the Amendment was not accepted by the Government, it would only exemplify the unyielding character of the right hon. and learned Gentleman the Home Secretary.

Mr. T. A. DICKSON said, he thought it would be an insult to the clergymen and medical practitioners to put in this special exemption on their behalf. He entirely disagreed with the hon. Member for Wexford (Mr. Healy) in his ideas as to the police of Ireland, for he knew that if there was any class of society for whom the police had more respect than another, they were the clergymen, the doctors, and the magistrates; and it was really absurd that these classes should be specially exempted from this clause. He hoped that the Committee would not accept the Amendment, but leave the administration of the clause to the good sense of the police.

Mr. DILLON said, it was a strange thing, if the contention of the hon. Member for Tyrone (Mr. Dickson) was correct, that there were priests and doctors arrested under the Coercion Act of last Session. He believed that one doctor was imprisoned at the present moment.

Mr. BIGGAR said, it was evident the Government wished to have power to harass every class of the people. Nothing could be more easy than for a policeman to say that a particular doctor was a suspicious character. If a policeman took it into his head to haul a doctor before a magistrate, he would be entitled to do so, and not the smallest censure would be cast upon him for so doing, as the clause gave him special authority for that purpose. It was perfectly proper that this Amendment should be agreed to. Their experience under the Coercion Act of last Session was that the Government and the late Chief Secretary had as much respect for doctors and clergymen as they had for any other class of society in Ireland. They knew, too, that the Attorney General for Ireland defended instead of prosecuting a policeman against whom a coroner's jury had returned a verdict of "Wilful murder." In fact, the Government and their thick-and-thin supporters, of whom the hon. Member for Tyrone (Mr. Dickson) was one, never seemed to consider that a policeman could do wrong.

MR. T. A. DICKSON remarked, that the hon. Member for Cavan (Mr. Biggar) had called him a thick-and-thin supporter of the Government. He believed that in the last division he voted with the hon. Member opposite against the 7th clause of the Bill. In this matter, however, he could not see why, if clergymen and doctors were to be exempted, the same consideration should not be extended to merchants and Members of Parliament.

MR. LYULPH STANLEY said, he thought it would be unreasonable to arrest men on the spot who were perfectly well known to the police in the district. He could not see why men well known to the police, and living in the neighbourhood, could not be brought up for examination the day afterwards, instead of being subjected to the ignominy of summary arrest.

MR. SEXTON said, that the suggestion of the hon. Member (Mr. Lyulph Stanley) would simply destroy the whole of the clause. This clause was evidently intended to relate to the people of the district, for the next clause dealt with strangers. He should certainly claim the vote of the hon. Member for Oldham (Mr. Lyulph Stanley) against the clause.

COLONEL NOLAN said, he attached some importance to the Amendment. Clergymen and medical practitioners were bound to be out at night, and it would be a most unpleasant and undignified thing if, on account of his Amendment being rejected, any of them were subjected to the indignity of arrest at the hands of a common policeman. The Amendment to be proposed by the hon. Member for Oldham (Mr. Lyulph Stanley) would be, he admitted, far preferable to his own; and if the Government would accept the Amendment of his hon. Friend he should be glad to withdraw his. In the event of his hon. Friend's Amendment not being acceptable to the Government, he thought his own might reasonably be adopted. He had had experience of the exercise of similar arbitrary powers in Warsaw, and he was sure the Government had no intention of resorting to such despotism as prevailed in Poland.

MR. TREVELYAN said, the hon. and gallant Gentleman spoke of his experiences in Warsaw; but this was a clause which was proposed on account of his experiences very much nearer home than Poland. They had now come to the end of the clauses on which there must be a very great amount of doubt as to whether they were directed against crime; and they had now come to the beginning of those clauses on which the Irish Government relied in order to repress those terrible murders which were directed against all classes in the country, and especially against the hard-working and respectable classes. These clauses were clauses, the effect of which had already been tried, and had proved to be efficient. They had not only proved to be efficient against crime, but they had also been proved to be without terror to respectable persons. A similar clause to the one upon which they were now entering was in force between 1870 and 1875. In the year 1870, 142 persons were arrested under the clause, and 18 were punished. In the year 1871, 90 were arrested; in the next year, 81; then the number fell down to 44 and 36, and in the year 1875, by which time the clause had ceased to be needed, because it had done its work, and during all that time no clergyman or doctor, as far as had been brought to his knowledge, complained of his having been arrested. There was only one test for exemption from the operation of this clause, and that was the test that people should be respectable, hard-working citizens, who were out at night on their their lawful business. The Government trusted the constables and magistrates to attend to the peace and order of the country. They did rely on the constables and magistrates, and it was on account of that reliance—a reliance which was well-founded—that they introduced this clause in the Bill. They believed that the constables and magistrates now, as in the time from 1870 to 1875, would be the very last people who would interfere with a man who was out of his house at night on his legitimate business.

MR. MARUM said, he had some experience of the Act of 1870, and, as the constables were in a very peculiar position, and had an absolute discretion as to the arrest of persons under this clause, he thought that some direction or instruction should be given to them to guide them in the arrests they made.

He had an Amendment on the Paper to that effect, and he saw there several Amendments in the same direction. He hoped the Home Secretary and the Chief Secretary would examine those Amendments, and see whether it would not be expedient to adopt some instructions or other to the constables. The power of absolute arrest was too great a one to confide to a man like an ordinary Irish constable.

Mr. DILLON said, he did not think the Committee had taken a sufficiently serious view of this Amendment. The Chief Secretary to the Lord Lieutenant had just cited an instance which did not apply to this case at all. The Act passed in 1870 was only directed against a certain class; and in no case was a man of professional standing implicated or in any way connected with the movement on foot at that time. That was not the case at the present moment, for, as he had already stated, three priests had been arrested under the Coercion Act of last year. Men who had held positions of trust under the Local Government Board in Ireland had been cast into Kilmainham under the Coercion Act, and five or six solicitors, practising in the Irish Courts, had also been imprisoned under the Act of last year. It was manifestly absurd to quote, as an instance, an Act under which no man of standing was arrested. The Chief Secretary made use of an argument upon which he (Mr. Dillon) was perfectly prepared to meet him. The right hon. Gentleman had said that if they could not trust the magistrates and police in this matter, they could not trust the police or magistrates at all. He would like to ask the Chief Secretary whether, in view of the working of this clause, he would place on the Table of the House a list of the men who had been denounced by the Irish Constabulary? He had received some private information as to the number of men of standing who were denounced by the constables and magistrates to Dublin Castle under the Coercion Act, and whom even the late Chief Secretary had refused to arrest. It must be said to the credit of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) that he had refused to arrest 500 or 600 people who were denounced by the police and magistrates of Ireland.

The CHAIRMAN: We are not now engaged on the clause as a whole. The question is, whether magistrates, and medical men, and clergymen shall be exempted from the operation of the clause.

Mr. DILLON said, he was replying to an argument which had been used by the Chief Secretary himself. He had said he was prepared to trust to the discretion of the constables. He (Mr. Dillon) was endeavouring to show that that discretion was tried last year, with the result that a long list of men, in every class of life — professional men and others—had been returned to the Castle for arrest, on grounds which even the late Chief Secretary deemed to be insufficient. There were long lists of names of men denounced now on record in Dublin Castle, and which could be produced if the Chief Secretary chose to do so. He knew that the names of many men were to be found in such lists, and to whom arrest would be utter ruin. His point was this—that if this clause had been law, these men, instead of having their names sent up to Dublin Castle, would have been absolutely arrested. They would have been arrested, brought before the Court of Summary Jurisdiction, and kept in prison for some days, with all the disgrace which attached to ordinary imprisonment in the case of professional men. No one could imagine the nature of the injury that even temporary imprisonment would inflict upon a medical practitioner. He might have upon his books people in a most critical condition; people whose lives might be depending upon his attendance, and yet such a man could be struck down through the indiscretion or petty judgment of a simple policeman, who might be prompted, through malice, to arrest him. His argument in favour of the clause was really a fair and reasonable one. Two of the classes which were desired to be exempted were well-defined classes—doctors and clergymen were notoriously well known to the constables of their district. They were, as a rule, resident in the district; and even supposing they were out at night under suspicious circumstances, surely it would be sufficient for them to be summoned in the ordinary way. These men were notoriously persons of influence; and in a country district of Ireland there would be no difficulty in any constable recognizing whether he had got hold of a doctor or a priest. If this Amendment were accepted, a constable would know that he was not to arrest a medical practitioner or a priest under this clause; but if he had reason to suppose they were out at night under suspicious circumstances, he must serve a summons upon them to appear before the Court of Summary Jurisdiction, and not subject them to the injury and loss which might result from summary arrest.

MR. HEALY said, it would, perhaps, be as well if his hon. and gallant Friend would withdraw his Amendment. Formerly, Acts of Parliament had been always directed against the poor; but this Act would operate against the poor and rich alike. He had not put down an Amendment exempting any respectable class of people from the operation of the clause, because he considered that the more they caused the respectable classes of Ireland to regard with contempt the present system of government the better it would be for all parties and purposes. He would, therefore, suggest that they should not amend this clause in any particular, but content themselves by simply entering their protest against it. It happened in Ireland that outside of the castles and mansions of the aristocracy and the barracks of the police and soldiers, the British Government had not got a single friend in the country. He thought it would be well to make these clauses as oppressive upon all classes of the country alike, so that the whole country might unite against the detestable alien rule to which they were subjected.

COLONEL NOLAN said, he thought the suggestion of his hon. Friend the Member for Wexford (Mr. Healy) was a very good one from his point of view; but he must differ from his hon. Friend, because his object was to make the Act as little irksome as possible. Anyone who would read the Amendments which he (Colonel Nolan) had placed upon the Paper would see that they were all directed towards the improvement of the Act. He was decidedly of opinion that the classes of persons mentioned in his Amendment should be exempted; and, therefore, he thought it would be his duty to press his Amendment to a division. Of course, he was quite willing to withdraw it if the Government would hold out any hope that they would adopt the suggestion of his hon. Friend the Member for Tipperary (Mr. Dillon).

MR. SEXTON said, he wished to say that what his hon. Friend the Member for Tipperary (Mr. Dillon) had said with regard to the denunciation of the people under the Coercion Act of last year was quite correct. He knew that the Head Constable from the West of Ireland went up to the Castle and produced a list of 70 names, desiring that warrants should be issued in every case. Quite a sensation was caused at the Castle, and Lord Cowper himself thought that the list might be very reasonably reduced. The Head Constable replied that he could not reduce the list, whereupon he was dismissed, Lord Cowper saying it was quite impossible for him to arrest any of the persons. The Chief Secretary had said that the clause they had now before them was intended for the suppression of murder, and he proposed to justify this clause by the fact that a similar clause was contained in the Act of 1870. The right hon. Gentleman told the Committee that under this clause in the Act of 1870 142 persons were arrested in that year, and that 18 persons were punished. What did those figures amount to? Why, that 124 persons were arrested, upon whom no punishment was inflicted; in other words, that seven out of every eight arrests were quite unjustifiable. In 124 cases out of 142 the police were unable to substantiate their suspicion, or in seven out of every eight cases the police had absolutely misused their power of arrest. In the year 1871 there were 90 persons arrested; in 1872, 81; in 1873, 44; in 1874, 36; but it was very interesting and instructive to notice that the Government for these latter years did not make any comparison between the number of persons arrested and the number punished. The power of deciding what were suspicious circumstances would rest, not with the Lord Lieutenant or a superior officer, but with 12,000 men of the Irish Constabulary, who were of an uneducated and of a rather humble class. To confide any such power as was given by this clause to such men was a matter of great gravity. If either of two things could be proved he should offer no objection to the clause. If it could be proved that the police, under former clauses of this kind, had ever been able to intercept men——

THE CHAIRMAN: The hon. Member is now discussing the clause.

MR. SEXTON said he begged the Chairman's pardon; the question was one of suspicious circumstances.

THE CHAIRMAN: There are several Amendments upon the words "suspicious circumstances." The question now is, whether magistrates, or medical men, or clergymen shall not be arrested.

MR. SEXTON said, he was only making a few observations with the object of showing that the police were not a body of men to whom the power of deciding what were suspicious circumstances should be entrusted; and he was saying that if it could be proved that the police had ever intercepted a body of men on their way to commit a crime, or had ever been able to arrest a body of men who had committed a crime and were on their way home, much of his opposition to this clause would disappear.

MR. SYNAN said, there were many other classes of people besides medical practitioners and clergymen who were called out on lawful business at night. For instance, lawyers might be called out on business at night; and, indeed, many other professional men and respectable citizens. He was averse to drawing these distinctions between classes, and he would either make the exemption more comprehensive or leave it out altogether.

COLONEL NOLAN said, that he should be very glad indeed to extend the exemption; and if he could he would include the class suggested by the hon. Member.

MR. R. POWER said, that, on the contrary, he was rather inclined to restrict the proposed Amendment by leaving out one of the classes—namely, the magistrates. The hon. Member for Limerick (Mr. Synan) had spoken about lawyers being out at night; but it was well known that such men were not called out at night like doctors and clergymen. He should certainly vote with his hon. and gallant Friend the Member for Galway (Colonel Nolan).

MR. O'DONNELL said, he hoped the hon. and gallant Gentleman would not persist in this Amendment. As regarded the magistrates, it went without saying that they were quite safe from arrest by constables, who looked to the magistrates for speedy promotion; and with regard to clergymen and members of the learned Professions, he did not see why they should be subjected to the same risk of arrest as other people. He should be extremely pleased if the operation of this clause could only add to the odium and detestation in which this Bill should be held. If the hon. and gallant Gentleman would withdraw his Amendment they might introduce an exception to save women, at least, from the impertinent prying of the Constabulary Force of Her Majesty's Government. It would be enough to have men subject to this arrest—to let the constables take the chances of encounter with individuals capable of protecting themselves—and to have women exempted from this more than Neapolitan clause. He (Mr. O'Donnell), knowing the good intentions of the hon. and gallant Member, should be sorry to vote against any Amendment he proposed; therefore he sincerely trusted that this proposal would not be pressed.

MR. HEALY said, that if the hon. and gallant Member went to a division he (Mr. Healy) would be obliged to vote for the Government. He should do so in the hope that the Bill might spread the dismay of the Irish people, and the disgust they felt with Her Majesty's Ministers and the entire British connection.

Question put.

The Committee *divided*:—Ayes 24; Noes 82: Majority 58.—(Div. List, No. 147.)

DR. COMMINS said, the next Amendment which was in his name was a small one, but one which would tend very considerably to mitigate the acerbity of this clause. It would limit the power of arrest to persons who belonged to the district in which they were arrested. Under the 9th clause, complete power was given to arrest strangers; therefore, it was not necessary for the 8th clause to be so wide. He took it that the intention was to confine it to persons living in the neighbourhoods in which the arrests were made. In addition to the fact that the case of strangers was provided for in the 9th clause, there were other reasons why the police should not arrest persons who did not live in the neighbourhoods in which the arrests were made. It was well known that in Ireland people often had to drive 15 or 20 miles to fairs and markets, and that not infrequently they were obliged to start from home at 2 or 3 o'clock in the morning, or did not return until after midnight. It would be hard for such people, because they might have to travel through a proclaimed district, to be arrested, taken from their business, brought before a magistrate and detained, probably, a week—as they might be under this clause—before they had an opportunity of establishing the fact that they were peaceable and orderly citizens, and had only been going about their ordinary avocations when taken by the police. If the clause passed in an unamended form, it would render any such thing as railway travelling in Ireland impossible. A number of districts would be proclaimed, railways would run through those districts, and a person travelling in a train running over those railways would be liable to be questioned by a policeman at a roadside station, arrested, taken before a magistrate, detained for a week, and, perhaps, put to the trouble and inconvenience of sending to the other end of the Island, or to England, for evidence as to his identity and respectability, for the sake of satisfying the scruples of the intelligent policeman, or the equally intelligent magistrate or official who sent that officer out. In Ireland, as in England, commercial travelling was an extensive business, and if this clause were passed, this profession might be seriously interfered with—trade intercourse would be interrupted. Moreover, in view of the powers contained in the section, a person would not dare to visit, say, a dying relative, because the moment he crossed the border of a proclaimed district he would be liable to arrest at the hands of the first policeman he happened to meet. The Chief Secretary had told them that he trusted absolutely the discretion of the policeman; and, in order to show how baseless was that trust, it would not be necessary to go into the general character of the police. Granted that they were generally very decent fellows, it could not be denied that many of them thoroughly deserved the worst character that had been given to them in the House, and how could it be otherwise? He believed that in this year's Estimates there was £180,000 given to the policemen of Ireland, because—as the official document put it—they had been "active and intelligent" busybodies. This money was given to them over and above their pay, because they had made themselves a nuisance in their neighbourhoods, and had prepared and sent up to Dublin Castle a great many Reports as to the suspicious cases they had rooted out, and the number of arrests they had made. The payment of this extra money did not depend on the mere performance of duty. The police were expected to do a great deal more than their duty. This Protection of Person and Property Act which was expiring—and which, he trusted, would be allowed to expire—gave the Lord Lieutenant and his Chief Secretary power to issue a warrant for arrest on suspicion, provided it were "reasonable suspicion;" but there was no such section in this Bill. The phrase used was "suspicious circumstances"——

THE CHAIRMAN: The hon. and learned Member cannot discuss the words "under suspicious circumstances," because they are not yet before the Committee. They will come on afterwards.

DR. COMMINS said, he would leave the discussion of that matter until later on, and would merely say, in answer to the Chief Secretary, that it all depended upon the question of "suspicious circumstances," and that he (the Chief Secretary) had absolute confidence in the discretion of the police. Let the Committee, however, restrict that discretion; let them say that no person should be arrested out of his own district, so as to confine the power of the police to the making arrests amongst a class of people as to whose suspicious character they were more likely to know something. The clause, unless amended, would put an end to all freedom of locomotion in Ireland, and introduce a block to all friendly intercourse between man and man, and enable the police to harass and annoy peaceable and well-disposed persons. His Amendment would remedy some of these defects in the section; and he, therefore, hoped the Committee would give it a favourable reception.

Amendment proposed,

In page 4, line 19, after "person," insert "whose usual or only residence is in such district."—(*Dr. Commins.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he had, no doubt, the Committee followed the hon. and learned Member in the objects he had in view in bringing forward his Amendment; but the proposal was one which, if accepted, would render the whole clause nugatory. This was a statutory power—no power was given to a constable to arrest except under this section, and to exercise it the police constable must show that he had fulfilled all the obligations of the section. If the Amendment were accepted, he could only arrest a man whom he was satisfied was a person "whose usual or only residence was in such district," so that if he met a man walking abroad under suspicious circumstances, with a crape mask on his face, he would have to examine him, and find whether he lived in the neighbourhood, and if he could not satisfy himself that he did reside there, he would have to let him go on his way. The constable would say to the man—"I don't know you; perhaps you don't belong to this district; I must take the risk and let you go."

Dr. COMMINS: A stranger could be arrested under the 9th clause.

Mr. HEALY said, he wished to know whether the simple fact of a man travelling through the country by railway, and arriving at his destination late in the evening, would render him liable to arrest?

The ATTORNEY GENERAL (Sir Henry James) said, that such a case would not fall within the words "suspicious circumstances."

Mr. SEXTON said, he was unable to follow the Attorney General's interpretation of the clause. Under the 9th section "the arrest of strangers found under suspicious circumstances" was provided for. Under it strangers could be arrested at any time—there was no limit of any kind to the power of arrest. Clause 8 should, in equally precise terms, apply to persons who were not strangers.

Mr. HEALY said, hon. Members were entitled to have some statement from the Home Secretary on this question.

Sir WILLIAM HARCOURT said, the main distinction between the two clauses was that Clause 8 applied to the night time, whereas Clause 9 applied to any time, whether day or night. They must have regard to the terrible facts with which they had to deal—to the fact, for instance, that last year was one characterized by as great a number of murders as had ever been committed in any year since murders had been classified as "agrarian;" and his right hon. Friend the Chief Secretary reminded him that, as far as they had gone this year, the murders were still more numerous than last year. That was the state of things they had to deal with. They had to deal with persons who were out at night under suspicious circumstances, who were the class they believed these murders were committed by. With regard to persons out at night, there was no distinction as to whether they were persons resident in a certain district, or whether they were strangers. It must be observed that as his hon. and learned Friend the Attorney General had said, if a man was found wearing a crape mask, or under suspicious circumstances, it would be absurd to ask him whether or not he was a resident in the district. When they came to deal with the daytime, of course they would not interfere with residents, and the clause would only be applicable to strangers. He would remind hon. Members that this clause was only an extension of the law as it existed in England. In this country a constable had a right to arrest a man whom he had reasonable ground to suspect either had committed or was about to commit a crime. Of course it might be said, "The constable may make a mistake;" but so he might in England, and for the sake of the protection of life and property very large powers were vested in him. But in Ireland where those terrible midnight murders had increased, and were increasing month by month, it was necessary to give constables large powers in the dark—to give them authority to arrest persons found prowling about under suspicious circumstances, and to require discrimination in such cases was out of the question.

Mr. SYNAN said, he could understand an exception broadly in favour of travellers; but he confessed he was at a loss to understand the distinction between persons residing in a district, large or small, and persons residing outside it. Supposing a farmer living in a certain district went to a fair outside that district—possibly only just over the boundary—he could be arrested on one side of that boundary and not on the other, according to his hon. and learned Friend's Amendment. In enacting this Amendment they were going back nearly 60 years, to the Insurrection Act, which was condemned by the Report of the Committee in 1825. Lord John Russell, a witness before that Committee, showed the monstrous character of the clauses in the Insurrection Act, which enabled policemen to arrest persons because they remained out after 8 or 9 o'clock at night. Persons might, as Lord John Russell said—

> "Remain too late and drink too much in a neighbouring inn, and then going from the inn to their own homes they may be arrested."

That showed the monstrous character of this Bill, that they were retrograding, going back 60 years to the line condemned by the Whigs of 1825 and 1839, and making these enactments against liberty in Ireland. This, however, did not justify his hon. and learned Friend's Amendment, which he considered would only render the clause twenty times worse.

MR. DILLON said, the Home Secretary had not stated the point as it suggested itself to him (Mr. Dillon). The right hon. and learned Gentleman had correctly pointed out that the 9th clause enabled a constable to seize on suspicion strangers by day or by night. At night a policeman could seize a person under either the 8th or 9th clause, as the provisions overlapped. He (Mr. Dillon) would like to ask, therefore, when a stranger was arrested and "brought forthwith before a Justice of the Peace," which clause would he be convicted under?

THE CHAIRMAN said, that that was not the Question at present under discussion.

DR. COMMINS said, he would call the attention of the Home Secretary to the desirability of obviating a great mischief in the clause. In line 22, only "a Justice of the Peace" was mentioned, so that a policeman might take the person he had arrested 20 or 25 miles, or even more than that, to a Justice of the Peace. The words, clearly, should be "the nearest Justice of the Peace."

MR. SEXTON said, hon. Members were waiting for a reply from the Home Secretary.

THE CHAIRMAN: I hope the right hon. and learned Gentleman will not answer with reference to the 9th clause, as that would altogether interfere with the order of discussion.

MR. LEAMY said, he understood the question put to the Home Secretary to be this. Suppose a man were arrested in a district by a policeman, under suspicious circumstances, under what clause of the Act was he to be taken before a magistrate? There were two clauses, one after the other, each giving power to arrest a man. His hon. Friend said that, suppose a man travelled in a district he did not reside in, would he be treated as a stranger and brought up under the 9th clause, or would he be brought up under the 8th clause?

SIR WILLIAM HARCOURT said, he wished to give a clear answer to the question, and he hoped hon. Gentlemen would not think he was not doing that. This clause was really a condensed form of the clause relating to persons out at night in the Act of 1870. The hon. Member for Limerick (Mr. Synan) said that all this had been condemned in the years 1825 and 1839; but if that were so, it was found absolutely necessary to adopt it in 1870, and he would point out that the murders at that time had been much less numerous in Ireland than they had, unfortunately, been of late. As he understood it, Clause 8 applied to everyone, strangers or non-strangers, and it was the only clause dealing with these matters that had any punishment in it. If he might refer, incidentally, to Clause 9, he would point out that that was only a binding-over clause. Clause 8 was meant to deal with "Captain Moonlight" and his troop—this was the Moonlight Clause, and it would be absurd to exclude from it strangers or persons who did not reside in the district. If "Captain Moonlight" resided in the district, if the Amendment were adopted, all he would have to do would be to cross a road or a hedge—to change his residence. When once outside the district he would be exempt from arrest under the clause. In fact, the Amendment, with all respect to the hon. and learned Member, was one of those intended to destroy the clause. He hoped he had now answered hon. Members plainly—whether a man was a neighbour in a district, or a stranger, the clause would apply to him the words "person out of his place of abode," simply referring to his house, his garden, or field. As was said in the discussion on the Act of 1870, persons who were out at night under suspicious circumstances, and could not, when questioned, give a satisfactory account of themselves, and what they were doing, would come within the clause.

Mr. DILLON said, this was an illustration of the advantage of having a clear statement from the right hon. and learned Gentleman, and a clear understanding on a disputed point. The right hon. and learned Gentleman had given a clear answer to a clear question, and, so far as he (Mr. Dillon) was concerned, he hoped his hon. and learned Friend would not press his Amendment.

Mr. LEAMY said, the only question he wished to ask was this. Suppose a man who was a stranger in the district was arrested under this clause—and there was not a definition of "stranger" in the Bill—could he not say—"True, I am a stranger, and I am out under suspicious circumstances; you can only arrest me under the 9th clause, and bind me over to keep the peace, or imprison me for a month."

Sir WILLIAM HARCOURT said, he hoped that was not the interpretation which would be put upon the Bill; it certainly was not meant to be. A stranger might be a hired murderer—one of the very men they wished to catch. If the police met this man with crape on his face, and a rifle or revolver in his hand, was he to be able to say—"I am a stranger in the district, therefore you cannot punish me; you can only bind me over to keep the peace?" Certainly, that was not the intention of the clause, and if there was really any doubt about it, the matter ought to be made clear.

Mr. O'DONNELL said, he wished to know whether the right hon. and learned Gentleman meant that a policeman could not only arrest a man, but forthwith search him to see if he had any crape or revolver about him?

Sir WILLIAM HARCOURT said, that if he were a constable this is what he should do—and what he should instruct a constable to do if he had any authority over him. If he found a man wearing crape and with a gun or revolver in his possession, he should arrest him at once, and take him before a magistrate.

Dr. COMMINS said, that if a constable in England reasonably suspected that a person had committed, or was about to commit, a crime, he could arrest him. That, no doubt, was true. A constable might arrest any person, no matter who he was, on suspicion. But that also applied to Ireland, therefore this clause was entirely unnecessary. If a constable had "reasonable suspicion" that a man had committed, or was about to commit, a felony he could arrest him; he was not bound to take him before a magistrate; he could lock him up in the police barrack for a week if he thought proper, or until the next Petty Sessions Court was held. This clause did not enable a constable to do that; but it did not confine his power of arrest to cases where he reasonably suspected that a felony had been committed, or was intended to be committed. It gave him him a roving commission to arrest anyone he could find the merest excuse for arresting, and absolved him from the necessity of having reasonable grounds for such arrest; and when they knew that he had so much extra pay to earn it could not be doubted that he would be energetic, and exercise his powers to the full. As he (Dr. Commins) had an Amendment further on which would, to some extent, prevent the mischief he was describing, he would not now put the Committee to the trouble of going to a division. These vexatious arrests would be largely prevented by putting upon the constable the obligation of taking his prisoner before the nearest magistrate, and depriving him of the discretionary power of appealing to a magistrate 10 or 20 miles away.

Amendment, by leave, *withdrawn.*

Mr. O'DONNELL said, he now wished to propose that women should be exempted from arrest under the Bill. He should imagine that the troops of "Captain Moonlight" were not, even in the imagination of the right hon. and learned Gentleman the Home Secretary, composed of damsels; yet they could not forget that—although, no doubt, the large majority of the Force were upright and respectable men—in the ranks of the Constabulary there were still those who shot the poor widow Dean, and bayonetted to death young Helen Macdonough. There had been many cases, during the past few months, in which the Constabulary had been drunk whilst on duty. Under this clause such men would be able to arrest any persons they found abroad before 5 o'clock in morning, and drag them before a magistrate· It was well known that over a great part of Ireland the houses of the peasantry were so poor — consisting mostly of but one apartment—that the people were loth to shut themselves up in them, and remained outside as long as they could, so that it was necessary that the scope of this clause should be made as limited as possible. At any rate, there was no ground for subjecting women to the horrors of this law. The Government had the Statute of Edward III. to make use of against women, and they might very well avoid the odium of including them under this clause, and of allowing them to be arrested and dragged before some magistrate on suspicion only existing, probably, in the mind of a tipsy constable. If the Government had any respect whatever for the Irish women, they would do well to avoid exposing those of the peasant class to annoyance at the hands of drunken constables. If they did not, riots and disturbances might be the consequence. Nothing could be gained by including women within the clause, and a great many dangers might be avoided by leaving them out.

Amendment proposed, in page 4, line 19, after "person," insert "being a male."—(*Mr. O'Donnell.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, he thought it was obvious that this Amendment could not be accepted, otherwise any persons wishing to commit an outrage would only have to array themselves in female attire to escape arrest. That was the method adopted in Wales amongst the "Rebeccaites," and adopted in the society called the "Molly Maguires," which the Americans put down so successfully some eight years ago. Murders had been committed in hundreds in Pennsylvania by members of the "Ancient Order of Hibernians," who called themselves "Molly Maguires." When they gave power to the English constable to arrest on suspicion they did not say to him he was not to arrest women. They allowed the English constable to arrest English women when there was a suspicion that they had been engaged in burglary, murder, or anything of that kind, and he did not see why they should make an exception to the general practice in the present instance.

MR. O'DONNELL: You have the same power of arresting women on suspicion of felony in Ireland.

MR. DILLON said, he could not allow a statement which had just been made by the right hon. and learned Gentleman the Home Secretary to pass without contradiction; and if the right hon. and learned Gentleman chose to wander off to America and the Thug Associations of that country, and misrepresent the facts, he could not blame him (Mr. Dillon) if he followed him, and corrected what he had said. The right hon. and learned Gentleman had led the Committee to believe that the "Ancient Order of Hibernians" was an Association for assassination and murder. He (Mr. Dillon) knew many members of that Society; and he could assure the Committee that they were as peaceable, quiet, and respectable as the right hon. and learned Gentleman himself. So far from being a murder Association, the "Ancient Order of Hibernians" was a Catholic Association, under the patronage of the Catholic Bishops and clergy.

MR. LABOUCHERE said, the Home Secretary had brought all this on himself, having said that the clause was directed against "Captain Moonlight" and his "men." He (Mr. Labouchere) would point out that dress did not make a distinction of sex. The right hon. and learned Gentleman had told them that the police of Ireland would not be able to distinguish between a man dressed as a woman and a woman; and, if that were so, he must say it was extremely likely that under this Bill the Irish police would make some very extraordinary and some very improper arrests.

Question put, and *negatived.*

COLONEL NOLAN said, the next Amendment was in his name. He was sorry that on his last Amendment he had the hon. Member for Wexford (Mr. Healy) against him; but now he hoped to have not only his moral support, but his support in the Lobby. The object of the present Amendment was to allow a man to be out at night on his own holding without fear of arrest. There were 20,000 or 30,000 people in his (Colonel

Nolan's) constituency, and, no doubt, other constituencies were as large; and it was surely very unreasonable that all these should be liable to arrest if they went out on their own properties or holdings after a certain hour at night. As long as a man was on his own holding he should not only be free from arrest, but free from the threat of arrest. In some cases the police were pretty popular and on good terms with the people; but in other cases they quarrelled with the people, and interfered with them in a manner that was very objectionable, using such threats as this—"Be careful; you had better look out, or you will be arrested." His Amendment appeared to him to be a very reasonable one; and he believed that even the ingenuity of the Home Secretary would find it difficult to put a case where a man, whilst on his own holding, could be said to be out under suspicious circumstances. The right hon. and learned Gentleman, he knew, was good in putting cases; but he believed he would have a difficulty in putting one in the present instance.

Amendment proposed,

In page 4, line 20, after "abode," insert "his curtilage, demesne, holding, or property, or the abode, curtilage, demesne, holding, or property of his bonâ fide master or employer."—(*Colonel Nolan.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the hon. and gallant Gentleman was quite right when he suggested that the circumstances must be peculiar when they could arrest a man on his own holding. Such a man had sufficient protection in the words "suspicious circumstances." He could not be arrested unless he was out under suspicious circumstances; and if he was out merely attending to his cattle, or the ordinary work of his farm or holding, there would be an absence of suspicious circumstances. But, at the same time, a man might be found lurking behind a wall on his own holding with the apparent object of committing a crime. The hon. and gallant Member, moreover, had so drawn the Amendment that a man could not be arrested if he were on the property of his master. Why, he might have gone there for the purpose of murdering his master.

COLONEL NOLAN said, he used the word "employer" in his Amendment.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the words in the Amendment were "his bonâ fide master or employer." The property the man might be on, therefore, might be quite distinct from his own—it might be miles away from his own house.

MR. HEALY said, the worst murders were committed in broad daylight; for instance, the lamentable occurrence in the Phœnix Park occurred in daylight. And why was this? Why, it was because the murderers could make more sure of their victims—it was because, where firearms were used, a man could not take aim in the dark. The Home Secretary suggested that a man would lurk behind his own wall or that of his employer in the dark for the purpose of committing a murder. The Home Secretary, he believed, was great at grouse shooting—did he go out to shoot grouse late at night? Certainly not; because in the dark he would not be able to tell a grouse from a water wagtail. The murderer, in the same way, would not be able to distinguish his enemy from his greatest friend in the dark. Under this clause, he (Mr. Healy) was very much inclined to think it would be only the decent and respectable people who would come to harm. The murderers, or would-be murderers, would not be affected, for they would not be caught. Like the poachers in England, when there was any danger of their being arrested, they would fire at their assailants. ["No, no!"] Hon. Gentlemen denied that English poachers shot the gamekeepers and police; but cases of that kind were of every day occurrence. He heard of them every week, and almost every day. Under this clause only the decent people going quietly along the road would be interfered with, because they would be the only people who would have an honest intention, and would not mean to do harm. A man who was lurking behind a hedge or a stone wall with the intention of committing a murder would as soon murder the patrol, if he was in danger of arrest, as his victim. The clause would not effect the object the Government had in view.

MR. ARTHUR ARNOLD said, he wished to point out that the position the hon. Member for Wexford (Mr. Healy) was now taking up was thoroughly inconsistent with the position he had taken up on a previous clause. The hon. Member had objected, a short time ago, to extending a privilege to a certain class of persons; but now he desired to extend that privilege to several classes. He seemed inclined to extend it to those who held land or those who owned it, and to the servants of those who held or owned it.

MR. HEALY denied that, so far as he could see, there was the smallest amount of inconsistency in the course he had taken.

MR. DILLON said, he rose for the purpose of asking the hon. and gallant Gentleman to withdraw the Amendment. He should vote against it, not that he did not approve of it to a certain extent, but because he disapproved of the whole Act and clause. He did not see how they could expect the Government to accept the latter part of the Amendment.

COLONEL NOLAN said, that, to meet the views of the hon. Member, he would withdraw the latter part of the Amendment—namely, the words—

> "Or the abode, curtilage, demesne, holding, or property of his bonâ fide master or employer."

He thought that the words would have been of great value to a very large class; but the hon. Member for Salford (Mr. Arthur Arnold) seemed to object to classes being privileged. He would point out, however, that the Amendment he had prepared included such a large class that it applied abstractedly to the whole of the people of Ireland. He did not intend to divide the Committee on the Amendment unless he got some support.

Question put, and *negatived.*

MR. DILLON said, he had an Amendment to propose which he trusted the Government would accept; and, if they did not accept it, he hoped they would be prepared to propose some compromise. The clause said—

> "In a proclaimed district, if a person is out of his place of abode at any time after one hour later than sunset and before sunrise," &c.

he should be liable to arrest. Well, that was calculated to paralyze the whole of the business of the country—it showed the dreadful and sweeping character of the clause. Everyone who understood the method of carrying on business in Ireland knew that during the winter months the poorer classes must be out of their place of abode in the hours specified in the clause more than once a-week. The local fairs or markets were held in the large towns twice, and in the smaller towns once a-week, and the people having to attend these were very frequently unable to reach home until long after sunset. Under the clause, almost every man, woman, and child in Ireland would, at some time or other, be liable to arrest at the hands of the police. Very often some of the Irish farmers were not teetotallers. He did not mean to say that there was an extravagant amount of drinking going on amongst the people; but the circumstances under which they attended the fairs, and the hardships which they had to bear, were such that many of them were driven to take something. The result would be, when this clause came into operation, that when they went home a little later than usual, a constable—particularly if he had a grudge against them—to show what a zealous and active man he was, would see something suspicious about them, and take them into custody. The clause was a very serious matter, because it put a reason for arrest in the mind of the constable. He had himself very often seen farmers, peaceable and inoffensive men, coming home from fairs, singing, perhaps, a song composed by one of the bards of Ireland; or, in the fullness of their spirits, shouting for the Leaders of the Land League, or giving utterance to some one of the cries that were now so common that one could hardly walk along a road without meeting a person who would hail him with one of the passwords of the Land League. In this case, these men might be regarded as out under suspicious circumstances. If a man was found walking along a road in a state of exaltation, and shouting cries that proved him to belong to a political association, he might be arrested under this clause. The case he wanted to make out was that, in this way, thousands of people, and, indeed, the whole of the population, would twice a-week be subject to arrest through being obliged to be out upon their business. That would be a frightful state of things for the people, and the remaining portion of the clause would throw on the tenants the unparalleled necessity of proving a negative in their own behalf to escape punishment. It might be said that these arrests would not be made unless people were out under suspicious circumstances. Then, why fix an hour at which the populace, according to their ordinary habits, would be out? What was the use of fixing a number of hours during which people might be out under suspicious circumstances, and calling that night, when the whole population was abroad, either going from market at night or going to the fair before daybreak. The Amendment he proposed would, at least, secure the people who were attending market, and who could not be in their homes during the forbidden hours every Thursday. He proposed to make the forbidden hours between midnight and 6 a.m. in the winter, and between midnight and sunrise in the summer—that was, from the 1st of May to the 20th of September. If the Government could not agree to fixing the time from midnight to 6 a.m., would they adopt 10 o'clock? He knew that the people were found out on the roads as late as 12 o'clock at night; but he would be willing to accept a compromise.

Amendment proposed,

In page 4, line 20, to leave out from the word "after," to the word "sunrise," and insert the words "between the hours of midnight and six o'clock a.m. in winter, and between the hours of midnight and sunrise in summer, that is, from the first day of May to the thirtieth day of September." — (*Mr. Dillon.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Sir WILLIAM HARCOURT said, it was true that a great number of people of innocent character would be out between sunset and sunrise attending markets or fairs; but he was sure the disguised people spoken of were not the people disguised in liquor. On the whole, he should say that people in that condition of exaltation, such as the hon. Member had described, singing Land League songs, would be the last persons to be regarded as suspicious. That, he thought, would verify the old saying, "*In vino veritas.*" But although the hon. Member said every man, woman, and child would be arrested, he would appeal to the experience of the Act of 1870, in which the same powers existed and the same hours were fixed. In the first year, under that Act, the number of arrests was 147, and in succeeding years the number diminished; therefore, it had not operated in seizing on the men, women, and children. Suppose the hon. Member's limitation of either 10 or 12 o'clock was adopted for the winter, what would be the result? The whole clause would be utterly ineffectual. This clause was directed against "Captain Moonlight" and his gang, and those men would start from home at 9 o'clock on a winter's evening and shoot people or maim cattle; and could it be said that if a policeman saw a man whom he suspected of being out on such an errand he was not to have the power to arrest that man before 10 or 12 o'clock? What was the real meaning of being out after dark? The same definition was inserted in the Night Poaching Act. The definition after dark was the same, and what was really meant was an offence which took place in the dark hours. In all Acts of Parliament which distinguished between day and night offences, the same terms had been introduced as in this clause. The Amendment would defeat the whole object of the Bill, and it would be impossible to accept it.

Mr. SYNAN concurred in the principle of the Amendment, but not altogether in the hours proposed to be fixed, as he considered them entirely too late, whether in winter or summer. The Home Secretary had justified this clause on the ground of the moderation with which it would be enforced by the police in Ireland; but he begged to refer the right hon. and learned Gentleman to the Reports of the Committee of 1825. Sergeant Lloyd, who was the administrator of that Act, was examined, and he said that great injustice was perpetrated on account of the hours being too early. He said hundreds of innocent people were being arrested by the police under the Curfew Clause. In the Act of 1870 the Curfew hours were the same as in the previous Act. To say that one hour after sunset was dark in summer was going very much too far in one case; but his hon. Friend went, he thought, too far in the other direction, and he thought it would be reasonable to fix 10 o'clock in summer and 8 o'clock in winter. To fix the time at one hour after sunset, and one hour before sunrise, was, according to the evidence before the Committee of 1825, a limit which caused great injustice to the people; and the police of the present day could not be regarded as likely to act more leniently than those who arrested people from 1817 to 1824. If the Home Secretary and his legal Colleagues would look at the Report of that Committee they would be easily persuaded to change the hours and to moderate them in such a way that injustice would not be done to people who were out at reasonable times. People might be out on their lawful business and without any suspicious circumstances, but who was to judge the circumstances? But the same thing occurred under the Insurrection Act, and, according to Sergeant Lloyd and Lord John Russell, great injustice was done. He hoped the right hon. and learned Gentleman would moderate his proposal, and, although he could not go as far as his hon. Friend went, he should vote for the principle of the Amendment, unless the Home Secretary altered his limit.

MR. LABOUCHERE suggested that 12 o'clock, as proposed by the hon. Member opposite, was too late an hour, because by that time the crimes would have been committed. But, on the other hand, an hour after sunset was a little too early. That would be about 5 o'clock in winter, and at that time many people in rural districts would still be going about their work, and it could not be supposed that crimes would take place at that hour. He would advise the right hon. and learned Gentleman the Home Secretary to make a compromise, and fix the limit at, say, 9 in winter, and 10 or 11 in summer. The present proposal would seriously interfere with a great many people engaged in their ordinary avocations.

MR. HEALY said, the Home Secretary seemed to think that the "Moonlighters" had no clear-sightedness or ability; but they were as intelligent as the constables looking after them, and if the constables knew how to lay traps, the "Moonlighters" knew how to escape the traps. If the "Moonlighters" wished to avoid suspicious circumstances, it was easy to arrange their purposes for some occasion when they might be out after dark without incurring suspicion — there might be a wake or a wedding in the neighbourhood, and the "Moonlighters" could take advantage of that. On the second reading of this Bill, the Home Secretary gave the House to understand that he would agree to a particular scale in this Bill, and he (Mr. Healy) had suggested that an almanack should be attached to the provisions, and put into the Act, in order to regulate the hours. But since then the Home Secretary had not shown the slightest sign of yielding to objections. In winter it was sunset about 4 o'clock, occasionally earlier, and the Home Secretary actually proposed that a man should get six months' imprisonment for being out at 5 o'clock. Suppose it was on Christmas Day; any person out then after 5 o'clock would be liable to six months' imprisonment. It was precisely nights of festivities, or other special occasions, which the "Moonlighters" would select for going out on their work. Did the right hon. and learned Gentleman suppose that because a man was a murderer he had no common-sense? He appealed to the right hon. and learned Gentleman, whether the entire comfort and happiness of thousands and hundreds of thousands of people was to be sacrificed; and he urged that there should be a little more liberality displayed in the Bill.

DR. COMMINS said, he thought the Bill had been drawn in utter ignorance of the habits of the people of Ireland. Of course, their habits were not much taken into account, but they might have been consulted with regard to this proposal. Anybody who knew Ireland, knew that nobody in any circumstances was in bed before 10 o'clock or 11 at night. During the evenings they visited each other, and at that time they were probably more abroad than in the daytime, when they were engaged at their work. Between sunset and 10 o'clock, when the work was all done, they were likely to be about the roads much more than in the daytime, and would be more likely to be aware of any mischief being done. Nearly the whole of the "Moonlight" offences had been committed between 10 at night and 6 in the morning; and he thought it would be the best plan to adopt, as the limit, from 10 to 5 o'clock. That was the limitation in the Night Poaching Act and the Insurrection Act of 1817, and other Acts; and he would advise the Government to adopt a limit founded on the habits of the people, and on the statistics of crime.

Sir WILLIAM HARCOURT said, he thought the views of hon. Members would destroy the effect of this clause. Hon. Members would see that whatever might be the habits of "Captain Moonlight," and whatever hours were fixed, they would be evaded. An hour after sunset it was dark, or, at all events, very dusk, and in the winter it was dark at 5 o'clock. If 10 o'clock was fixed, that would make it certain that the outrages would be committed between 5 and 10. That was perfectly plain; and the conclusion was that an attempt to fix 9 or 10 o'clock in the winter would be useless. Suppose a man wanted to waylay another, or shoot down a farmer, and knew that the farmer would probably be out at 6 or 7 on a dark winter's evening, he could shoot the man without being touched by this Act if the limit was fixed at 9 or 10 o'clock. This Amendment had no other object but to defeat the clause. He would suggest to hon. Members to reserve their opposition until the clause was put, seeing that every Amendment was hostile to the clause. Hon. Members had argued that people were out at 9 o'clock, and the hon. Member for Wexford (Mr. Healy) had said a man could be imprisoned for six months for being out at 5 o'clock; but that was not the case. A man was not to be imprisoned for being out, but for being out under suspicious circumstances. Being out after sunset meant this — it was always dusk an hour after sunset, and soon grew dark, and it was in the dark these evil deeds would be done. People were going about in many ways after sunset in winter; but if those who committed these evil practices were to be caught, there must be power to arrest them under suspicious circumstances as soon as they were discovered.

Mr. JOSEPH COWEN said, it was quite true, as the Home Secretary had said, that the arrest was to be for suspicious circumstances; but who was to be the judge? That was the strength of the position. The police were to be the judges of the circumstances. He would suggest to the Home Secretary whether it would not be possible to make the clause acceptable by applying it to persons disguised.

The CHAIRMAN: There is an Amendment immediately afterwards to that effect.

Mr. JOSEPH COWEN said, any way, the suspicious circumstances were the point of the clause. Some protection was necessary against policemen capriciously and factiously exercising their powers of arrest; and with regard to the Home Secretary's statement that "Moonlighters" committed their offences in the night, the most serious offences recently committed in Ireland had been in broad daylight. [Sir William Harcourt: Very few.] They were few in number, but by far the most serious; and it should be borne in mind that a considerable number of the offences alleged to have been committed by "Captain Moonlight" had been committed with the collusion of persons desirous of getting a reduction of rent, or attaining some other end. He did not mean to say all the offences had been committed in daylight, but a certain percentage had.

Mr. MITCHELL HENRY said, he wished the hon. Gentleman who had just spoken lived a little West of the Shannon, for he would then know what the position of the people in the neighbourhood was, and the state of terror in which they were as soon as night fell. The condition of the country was frightful. Within the last two years, in his own neighbourhood, where crime had been absolutely unknown previously, emissaries had gone about teaching people to commit outrages, and to strike terror into the hearts of all law-abiding and decent people. In that way the district had been kept in a state of misery and terror for two years, and that ought to be put a stop to. As to saying that these outrages had been the work of persons in collusion who wished to abstain from paying their rents, that was all stuff and nonsense. [*Laughter.*] Hon. Members opposite might laugh; but they knew, as well as he knew, that that was the fact. And why had they not the courage to state in the House what they knew so well—that people were terrorized by those who committed cruel outrages upon them to prevent their doing their duty? He hoped the Committee would not be influenced by such arguments as had been advanced against this clause.

Mr. FIRTH said, if the object of this clause was to deal with offences at night, he thought something might be done in the direction of the Amendment, because they had in English Acts a definition of night. If it was intended that the clause should cover the whole of the 24 hours, well and good; but a definition of night had been applied in English Acts to several offences, which were set out in the Acts, and he thought something might be adopted in this case.

MR. TREVELYAN said, he thought this discussion was a remarkable instance of the length—the unnecessary length—at which this Bill was being discussed. The outrages against which this clause was directed there were no efficient means of putting down—the class of outrages which the hon. Member below the Gangway (Mr. Cowen) said were committed in the daytime, but the enormous majority of which, as a matter of fact, were committed at night. When were the incendiary fires, of which there had been about 600 in two years? When was the firing into dwelling-houses? When were the visits to farm-houses? When were all those outrages committed? Here was a clause which was the only method discovered of bringing effective punishment to bear against these offences. Hon. Members discussed the clause as if it was a perfect novelty, at something like the length at which the clauses against "Boycotting" and suspension of trial by jury—which it was admitted were novel proposals—were discussed; but this was not a novel proposition. Here was a great crisis; Ireland was in a state in which it was necessary to have a remedy which should be sharp; and surely, in order to produce that result, the Committee ought to be only too glad to take a well-tried and well-proved weapon, the adoption of which in previous cases had not produced any evil results. In the Act of 1870 there was the same clause as this; the same in respect to hours and to suspicious circumstances. That clause was passed through the House after a full examination, and it was proved to have deserved the confidence of the House because it worked thoroughly and effectually. It was not on record that any single objection was ever made against that clause, either on the ground that people were arrested at an hour of the night when they ought not to have been arrested, or that they were arrested as being out under suspicious circumstances when they were really going about their legitimate business. Under these circumstances, considering that the Committee had spent 14 nights in discussing the first seven clauses of the Bill, he thought the Government might fairly ask the Committee to accept this clause, which was a well-tried clause, and under which, during five years, not a single one of those over-coloured cases which had been suggested had occurred.

MR. SEXTON protested against the right hon. Gentleman's observations. The Chief Secretary had said, for the second time, that this clause was a well-tried and well-proved weapon. It was a well-tried weapon, but it was not well-proved. The right hon. Gentleman had said that, in 1870, 142 persons were arrested under a clause like this, and that of those only 18 had been punished. In other words, the police could only substantiate one in eight cases, and the right hon. Gentleman did not give particulars of succeeding years; and the necessary inference from the figures that had been given was that the clause might have been well tried, but had been proved to be a failure. He protested also against the right hon. Gentleman's complaint of the lengthy discussion, seeing that the Committee had not yet been engaged an hour upon this Amendment, although it dealt with a clause which proposed to prohibit the bulk of the Irish people, for several months of the year, being out of their homes except at daylight. What would be the operation of the clause? The Home Secretary had given a hint to the "Moonlighters." He professed to speak with great accuracy when he stated that they generally started out about 9 o'clock; and when an hon. Member said that when country people came home singing songs they might be arrested, the Home Secretary replied that the people who sang Land League songs would not be considered people to be brought within this clause. He therefore supposed that the "Moonlighters" would proceed in that way in future. It was undeniable that many of the gravest offences had been committed in broad daylight; and those committed at night were, as a matter of logical argument, committed when the roads were lonely. He would define the men who did these things as being of two classes—the reckless men, who took their lives in their hands and committed outrages in the day; and cautious persons, who chose hours when the roads were lonely, probably between 9 and 10 at night and 5 or 6 in the morning. He thought the Amendment afforded very good ground for reasonable compromise, and he hoped the Government would not throw this opportunity away.

Mr. PARNELL said, one of the results of a clause like this, with which the Bill was so thickly studded, would be that the powers given would be very much abused. They were open to be abused. The Chief Secretary stated that no complaints had been made of the abuse of the powers in 1870 and the following year; but it must be remembered that Ireland had not then the same Representatives as it had now, and the right hon. Gentleman would certainly find, as the result of a clause of this kind, that his position would not be an enviable one, for, although cases of abuse might not have been brought before the House by the Members who represented Ireland in 1870, the case now would be entirely different. As an example of the way in which Ireland was represented in 1870, he would mention that under the Act of that year one man was arrested and kept in prison without trial and entirely forgotten for two years, and his case was only discovered after the hon. and learned Member for Limerick (Mr. Butt) had formed an Irish Party in 1875, and after 60 Irish Members had been returned as supporters of that Gentleman's policy. Therefore, if the right hon. Gentleman desired to argue from the experience under the Act of 1870, which lasted until 1875, he would be very much disappointed by the result. Why could not freedom to be out be extended under this clause? The Government might, at all events, give the limit of daylight, and so make the clause as little objectionable as possible; but it seemed to him the Government were pursuing the same policy with regard to this Amendment as they had pursued with regard to other clauses in the Bill—obstinately refusing every concession calculated to make the Bill less rough and less objectionable to the people. He did not think that was a prudent course for them to pursue. It should be the object of the Chief Secretary to reconcile the people of Ireland to this Bill as much as possible; but, instead of that, by putting a clause of this kind into the hands of the local police, he was giving the police an engine of petty tyranny and irritation which would undoubtedly make English rule still more hated than it now was.

Mr. GIBSON observed, that this clause was for the arrest of persons found out at night under suspicious circumstances. The hon. Member for Tipperary (Mr. Dillon) practically admitted the necessity for this clause; but he proposed to cut the night in two, and during half he would allow the clause to operate, while during the other half he would leave "Moonlighters" free to do what they liked. He could understand the hon. Member objecting to the whole clause, but he could not understand his present action. The description given to this clause was historically sound, for if anyone looked at the Act of 1870 he would find there every ingredient which this clause contained. What alterations there were were merely formal. It was said the clause might be abused; but, as the hon. Member for Sligo (Mr. Sexton) had shown, the similar clause in the Act of 1870 had been administered judiciously. He himself should regret if wherever there was an arrest there was a conviction, and should prefer to find that the magistrate before whom the arrested person was first brought had looked into the question temperately and, whenever he could, had allowed the arrested person to go free. The history of that clause showed that there was only a very small number of cases in which the magistrates deemed it their duty not to accept explanations and set arrested persons free; and he ventured to say that if this clause was passed, what would happen was this—the people who desired to abuse their liberty, such as "Moonlighters," whould know perfectly well that such a clause had been passed. There was not an item of this Bill which was not weighed and understood by the criminal classes in Ireland, and when they knew that such a clause as this was passed they would take great care to keep out of its operation.

Mr. DILLON contended that there was no comparison between this clause and the clause in the Act of 1870, and that such a Bill as that of 1870 would now be grossly abused. One thing which the Home Secretary had said, and which the Chief Secretary had repeated, was a piece of audacity. He had said this clause was intended for "Captain Moonlight" and his retainers, and that if this Amendment was accepted there would be certain hours after dark during which "Captain Moonlight" could not be touched. What had the patrols of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) been doing during the winter? Searching for "Captain Moonlight." They had not found him; but could it be said that if they had seen anyone they believed to be a "Moonlighter" they had not attempted to arrest him? They had perfect power for the purpose, and if this clause was not passed, and if the patrols met anybody with arms or under really suspicious circumstances, they could arrest him. "Captain Moonlight" was very much too sharp for the police. It was a case of "First catch your hare and then cook it;" and the police had not succeeded in catching their hare at all. As to the police having powers to arrest, cases had come under his notice in Limerick and Clare in which, failing to catch "Captain Moonlight," the police had arrested all the stout young men of 18 they could find in the daylight under the Coercion Act. It was absurd to talk of this clause being directed against "Captain Moonlight," who had reigned supreme over the country, and whom the right hon. Gentleman the Member for Bradford had failed to catch. There ought to be the strongest proof of the necessity for passing a clause which would place the entire population of the country at the mercy of the police, whether they had committed any offence or not. The Home Secretary denied having described this clause as a clause which would punish any man for being out at night, and said it was directed against suspicious circumstances. The clause would subject the whole population to arrest at the discretion of any constable who would put them in the position of having to prove a negative. It was an extraordinary proposition to place the whole population in such a position, particularly at a time like this, when Party feeling and class feeling ran so high in Ireland. If a landlord was at variance with his tenants with regard to their rent, that landlord could cause any of those tenants to be arrested as being out under suspicious circumstances if they were out after dark. Then he would be the man before whom they would be taken in the first instance, and by whom they would be committed to prison, and the nearest Justice would probably be the landlord or the landlord's neighbour. The Home Secretary and the right hon. and learned Member for the University of Dublin (Mr. Gibson) had stated that by this Amendment a certain time would be left clear for "Captain Moonlight" to carry on his operations. That was the most extraordinary exhibition of ignorance by the police. If the police could not detect "Captain Moonlight," then this clause should be taken out altogether. Was it or was it not a fact that the police patrols had been in the habit of meeting "Captain Moonlight" and his gang, and yet had not arrested them? If so, what was the object of having patrols? One of the reasons why he opposed this clause was that it would have no effect, for "Captain Moonlight" could very well take care not to be seen by the police—as he had proved so far—but certain unfortunate individuals who were innocent would fall under the suspicion of the police.

MR. T. P. O'CONNOR said, that he had obtained a Return relating to the County of Westmeath of persons arrested under the Act of 1870 for being out during prohibited hours. Eighty-nine persons were arrested, but of those only 12 were convicted, leaving 77 who were discharged. The moral of that was that 77 innocent persons were arrested to catch 12 persons. That was the whole meaning of this clause. The Chief Secretary, who, he supposed, like his Colleagues, would forswear his Whig traditions, seemed to think that innocent people who were subjected to annoyance by the police had no cause to complain. He (Mr. O'Connor) had always understood that it was a Whig tradition that the safety of 99 innocent persons was more important than the conviction of one guilty man. Did the Chief Secretary now propose to arrest 89, and then to set 77 free without any compensation for the indignity and annoyance? These figures were more eloquent than the figures which the Chief Secretary had quoted, because here, in this small county and circumscribed district, where crime was rampant and where, therefore, the police ought to have known every criminal, the police arrested 77 innocent persons out of a grand total of 89. That was what would take place under this Act—only one in 100, or one in 1,000 of the arrested people would be really guilty of any connection with criminal acts; but he supposed it was vain to argue with the Home Secretary or the Chief Secretary, because Constitutional principles were not to be mentioned to the Liberal Ministry now in power. Of the 12 persons convicted out of 89, three got three months' imprisonment, three got one month, and the largest number of them only got one week. He supposed that part of the Return would commend itself to the approval of the Home Secretary. A man was to be put into prison and convicted under this clause with the result of one week's imprisonment. If a man only got one week's imprisonment, he could not be one of those "Moonlighters" who maimed cattle and shot men; and he maintained that this clause would be thoroughly inoperative against the persons for whom it was intended. If a man, taken up in the prohibited hours, was only deemed deserving of one week's imprisonment, he could not be a deep-dyed murderer, or a maimer of cattle.

Sir WILLIAM HARCOURT rose to speak. [*Cries of* "No, no!" *and* "Do not answer!"] The right hon. and learned Gentleman resumed his seat.

Mr. T. P. O'CONNOR said, if the right hon. and learned Gentleman persisted in refusing to give him any answer, in obedience, not to any cries from the Opposition side of the House, but in obedience to a majority of Members sitting behind him, he should consider that such conduct showed that the object of this Bill was plain, and that any argument in defence of the liberties of the people was unnecessary, and he should, therefore, feel it his duty to move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. T. P. O'Connor.*)

Sir WILLIAM HARCOURT said, he did not think this was a reasonable proceeding. The hon. Member not having been in the House, and not having heard the arguments which had been used in justification of the course the Government were pursuing in this matter, came down now and delivered a speech which had been delivered over and over again, and said that if he did not get an answer—an answer which, by the way, had been repeated a dozen times—he would move to report Progress. It happened just as much in England as in Ireland that persons were arrested on suspicion; and it was held that a man's imprisonment, under such circumstances, was a totally rational proceeding. It happened every day in London that men were brought up on suspicion of an offence of which it was afterwards found they were not guilty; yet it was actually made a ground of complaint that these men were not sent to prison.

Mr. T. P. O'CONNOR said, he begged to withdraw the Motion. It was not in reference to anything the Home Secretary did that he was prompted to make it; but it was because the Home Secretary was interrupted very unfairly and very discourteously by hon. Gentlemen behind him, when he was proceeding to give the answer asked of him.

Motion, by leave, *withdrawn.*

Original Question put.

The Committee *divided*:—Ayes 196; Noes 29: Majority 167.—(Div. List, No. 148.)

Mr. LABOUCHERE said, his hon. Friend the Member for Swansea (Mr. Dillwyn) had asked him to move the Amendment which stood in his name. It was to substitute a definition for the words "under suspicious circumstances." There had been a great deal of discussion as to whether there should be any definition or not, and it was now sought to introduce one in the Bill. His hon. Friend, however, had now arrived, and he had no doubt he would more clearly explain what he wanted than he (Mr. Labouchere) could do for him.

Mr. DILLWYN said, he hoped the Government would assent to this Amendment. It was simply this. The clause, as it stood, gave power to the police to arrest persons whom they might consider to be out at night under suspicious circumstances. He did not think the power granted by that clause ought to be intrusted to the police. He did not want to say a word against the Irish police. He thought they were a good military body, but did not consider they ought to have these large discretionary powers, such as this clause gave to them. He proposed, in page 4, line 21, to leave out "under suspicious circumstances," and insert—

> "Disguised, or having disguises in his possession, or carrying arms, explosive materials, or ammunition, or lurking about premises where he has no ostensible business."

He thought that if a man were found under any of these circumstances, a policeman would be quite justified in apprehending him; but without such definition the powers conferred by the clause, he did not think, ought to be intrusted to the police, either in Ireland or in any other land. His Amendment, he thought, would be a very useful one, and with it the power of the clause might very safely be intrusted to the police.

Amendment proposed,

> In page 4, line 21, to leave out the words "under suspicious circumstances," and insert the words "disguised, or having disguises in his possession, or carrying arms, explosive materials, or ammunition, or lurking about premises where he has no ostensible business."—(*Mr. Dillwyn.*)

Question proposed, "That the word 'under' stand part of the Clause."

SIR WILLIAM HARCOURT said, it was entirely impossible to make a definition of all the circumstances which might very properly raise suspicion. He noticed there were a great many Amendments of a similar character; and he had a suggestion to make which, he hoped, would remove them. What was meant by the clause was that there should be a suspicion of criminal intent, and, therefore, he was quite willing to introduce into the definition the idea that the suspicion should be one of criminal intent. That seemed to meet all that could fairly and properly be asked, and all that was really intended. He hoped that what he now said would dispose of all the Amendments on this point.

MR. DILLWYN said, he could not agree to that. He did not think policemen were proper judges of what was a suspicious intent. Of course, it was meant that a man should be suspected of a criminal intent; but he wanted to define distinctly what circumstances should justify a policeman in thinking there was a suspicious intent. He could not agree, even if such a definition as that his right hon. and learned Friend had promised were inserted, that this arbitrary and very objectionable power should be intrusted to such a body of men.

SIR WILLIAM HARCOURT said, that his hon. Friend evidently objected to the whole police system of England. Every policeman had the power to arrest upon suspicion of a certain crime without any definition whatever; and, therefore, in refusing to accept what he (Sir William Harcourt) had put forward, his hon. Friend was attacking the whole system upon which the police existed, and the whole administration of the Criminal Law of England. It was perfectly well known, as had been admitted, that any policeman might arrest any man, woman, or child in England upon the suspicion of felony. No one had ever heard of laying down what were the circumstances upon which suspicion should be founded.

MR. HEALY said, that whenever anybody in opposition to the Bill put forward extreme cases, the right hon. and learned Gentleman the Home Secretary grasped at them like a drowning man. The hon. Member for Swansea (Mr. Dillwyn) had enumerated, in his (Mr. Healy's) opinion, every suspicious circumstance under which a man ought to be arrested; and it would be disgraceful to any Government to arrest a man under any circumstances in a country district in Ireland, except the circumstances were such as were enumerated by his hon. Friend opposite. The right hon. and learned Gentleman the Home Secretary was great at second reading speeches, and at melodramatic effect; but would he tell them it was possible to arrest a man on the plea of suspicious circumstances unless he was—

> "Disguised, or having disguises in his possession, or carrying arms, explosive material, or ammunition, or lurking about premises where he has no ostensible business?"

He defied the right hon. and learned Gentleman to enumerate any other suspicious circumstances which could justify a magistrate in committing a man to gaol under this clause. The whole point was this. The opponents of this clause wanted to prevent its powers being used by the police in an unfair way. They desired that the magistrates should have the power of censuring the police, unless they arrested men under a definite set of circumstances—such circumstances as were enumerated in the Amendment of the hon. Member for Swansea (Mr. Dillwyn). The Home Secretary seemed to have great confidence in the Police Departments, which he had evidently got at the Home Office. It must be remembered, though, that even in England, under the Contagious Diseases Acts, the police had acted in such an arbitrary manner at Dover as to cause a young woman to jump into the sea. ["Oh, oh!"] He was only giving them an illustration of the manner in which he supposed the Home Secretary had got his confidence in the police. In England, where there were no allegations of partizanship, there were constant complaints against the police. How must it be, then, in Ireland, where partizanship was rampant? The Government, he supposed, made it out that there were other circumstances besides those enumerated in the Amendment which might justify the arrest of a man. ["Hear, hear!"] The worthy Alderman the Member for the City of London cheered that statement.

Mr. Alderman W. LAWRENCE rose to Order. The hon. Gentleman was not addressing himself to the question before the House, but he was speaking under the supposition that he (Mr. Alderman Lawrence) had interrupted him. He begged to say that he had done nothing of the kind, and that the remarks of the hon. Gentleman were entirely uncalled for.

Mr. HEALY said, that if the worthy Alderman did not interrupt him it was the first time in his life he had not done so. He, however, apologized to the hon. Gentleman for the mistake he had made. He would ask the Government what there was in the Amendment that they could not accept? And he challenged the Home Secretary to define, with the assistance of the hon. and learned Gentlemen about him, any suspicious circumstances not enumerated in the Amendment. Up to this he had failed to do so; and, therefore, he was simply obstructing the progress of the clause.

Mr. H. SAMUELSON asked how a policeman was to know in the dark that a man had disguises in his possession, or was carrying a crape mask in his pocket, or arms, or ammunition, or explosive materials, unless, if he had reason to suspect him of an unlawful purpose, he arrested him, and discovered these facts by a search? He had heard many times of men being arrested in London for lurking about under suspicious circumstances, and he did not see that there was anything new in the definition his hon. Friend the Member for Swansea (Mr. Dillwyn) had proposed. The mere expression, "under suspicious circumstances," covered everything, and if the words suggested were inserted, they would not prevent arrests being made, because the police would be able to arrest a man under suspicious circumstances exactly in the same manner then as he would under the clause as it now stood.

Sir GEORGE CAMPBELL said, he hoped his hon. Friend would not press the Amendment. In the present dreadful state of Ireland it was not advisable to drive the Government too far.

Mr. METGE said, the hon. Member for Frome (Mr. H. Samuelson) had said it would be impossible for a policeman to discover whether a man carried disguises, or had in his possession arms, or explosives, or ammunition, unless he was able to arrest him; but, surely, if a policeman was unable to judge whether a man was carrying such articles, it must be hard for him to discover whether the man was out at night with a criminal intent. The intention of the Government with regard to this Amendment was much the same as it had been throughout the whole progress of the Bill. Their desire was to leave as wide and general a power in the hands of the magistrates and police in Ireland as possible. In his opinion, it would be far more honourable and straightforward if the Government came down to the House and asked the Committee to give the Lord Lieutenant power to arrest any man any hour of the day or night, under any circumstances whatever. Such a course would be far more consistent with the Whig policy, of which the Lord Lieutenant was so fond.

Question put.

The Committee *divided*:—Ayes 172; Noes 34: Majority 138.—(Div. List, No. 149.)

Mr. MARUM said, that, after the discussion which had taken place and the Amendment that had been moved, he did not propose to move his Amendment.

MR. R. POWER said, he looked upon the clause as far more dangerous than the clause which had preceded it, because under Clause 7 power was vested entirely in the Lord Lieutenant, but under this clause it was vested in a common policeman. In the Amendment which he was now submitting, he proposed to exclude the power of arrest under the clause in cases in which a licence should have been obtained, to remain out after sunset, from Justices of the Peace acting for the county containing the proclaimed district. The hon. Member for Sligo (Mr. Sexton) had stated that in 1870, according to the Returns which had been obtained, the number of persons convicted, after being arrested on suspicion, was only, on the average, one in eight. They must remember that they were not dealing with England. In this country the magistrates had to have a proper qualification or some social position; but in Ireland that was not the case, and men were put upon the Bench for some particular services they might have rendered the Party in power. He knew, from his own experience, that his predecessor in the City of Waterford had put a great number of men on the Bench simply because they had had the good taste to vote for him at the last Election. The clause, as it stood, would be a most serious inconvenience to Ireland, because there were in that country many sea-side villages, which a large number of people visited during the summer months, and, as was well known, the time these people went out to enjoy themselves was about 8 or 9 o'clock in the evening. The hon. and gallant Member for the County of Galway (Colonel Nolan) had, a short time ago, proposed to exclude clergymen and doctors, attending sick calls and going about their important business, from the power of arrest; but that Amendment was not accepted. These cases could be covered by the present proposal, and he, therefore, hoped the Government could see their way to accept it.

Amendment proposed,

In page 4, line 21, after the word "circumstances," to insert the words "unless licensed to be and remain abroad, by writing under the hand of some one of the justices of the peace acting for the county where such district may be situated."—(*Mr. Richard Power.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, he was afraid it would not be convenient to establish a system of passports in Ireland, and it was plain the principle had been already adopted of not making any distinction between different classes. If these licences were granted, they would fall into the hands of one particular class of the community, which class would have a preference over all others. The Amendment would defeat the object of the clause, because it would be impossible for a constable to know whether the document handed to him was genuine or not, and all a person who wished to deceive the authorities would have to do would be to forge one of those licences.

MR. SEXTON remarked, that the right hon. and learned Gentleman, when it suited his purpose, said that it was difficult for policemen to know easy things, and easy for them to know difficul things. It was easy for them, for instance, to know the criminal intent of a man whom they might happen to meet, but it would be difficult for them to know whether the passport which he submitted was genuine or not. As a matter of fact, the police of Ireland were acute or stupid just as it suited the right hon. and learned Gentleman's purpose. As the Amendment would create a privileged class of persons, however, he could not support it.

Question put, and *negatived.*

MR. LYULPH STANLEY said, he wished to move to insert, in line 21, after the word "circumstances," the words "such person may be summoned before a magistrate, and if such person be unknown." This would enable the policeman to arrest a man if he did not know him, but if he did know him he would be able, instead of arresting him at once, to summon him before a magistrate. If a constable had reason to suspect that a man was going to maim cattle, or fire into a dwelling-house, or commit a murder, he would be justified in arresting him; but if the offence suspected was of a trivial character, such as leaving open a gate and injuring standing crops, if the man was known in the neighbourhood, it would be better, rather than run the risk of locking up an innocent man, to take his name and summon him next day. It seemed to him that this Amendment would tend very much to mitigate the annoyance which might be experienced under the Act by the liability of respectable people to arrest on suspicion.

Amendment proposed,

In page 4, line 21, after the word "circumstances," to insert the words "such person may be summoned before a magistrate, and if such person be unknown."—(*Mr. Lyulph Stanley.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, he did not exactly see what his hon. Friend would summon a man for under this clause. Suppose a constable met a person under suspicious circumstances, at night, armed, and, as the hon. Member for Swansea (Mr. Dillwyn) had said, with disguises upon him, was he, because he happened to know that he lived in a certain place, to allow him to go on his way and content himself with summoning him to appear before the magistrates on the following day? He did not exactly see for what purpose the hon. Member would summon the man.

DR. COMMINS said, he was surprised the right hon. and learned Gentleman could not see the force of the Amendment. In the case where a man was out under suspicious circumstances, if he was summoned before a magistrate, the magistrate would judge as to those suspicious circumstances, and, if necessary, commit the man for trial. If the man were found guilty of being out under suspicious circumstances, he would be liable to imprisonment for six months. Some questions might be to plain for people to see, or they might be too minute for a mind of such stupendous character as that of the right hon. and learned Gentleman the Home Secretary. These points might be beneath the consideration of the right hon. and learned Gentleman, but they were not beneath the consideration of those who might have to suffer the pains and penalties of this legislation. Surely, if suspicious circumstances existed, it would be enough for the policeman to describe them to the magistrate. He might be unable to do that; and surely it would be better in such a case that the policeman, who could not make out a satisfactory charge of suspicious circumstances, should not have the power of arresting, but should be obliged to summon the man before the magistrates. A man might be perfectly respectable, and his respectability might be so clearly established, that the first magistrate he was brought before might discharge him immediately. If the clause passed as it stood, the police would have the power to take such a man away from his business, and perhaps do him material injury. If the object was to put down crime and not subject individuals to embarrassment, if it was only desired to enable the police to put down crime and not to irritate people and disturb society, then this clause, as it at present stood, was unnecessary.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that the Bill had two objects. One was the power of preventing crime, and the other the power of detecting it when committed. If they took away the power of arresting, and only gave the power of summoning in night cases, they were not likely to find a man in the act of committing a crime, or with the evidences of crime upon him. The clause might be wrong, but if it was wrong the objection to it could only be met by striking it out altogether. They first said in the clause that the policeman should say that he suspected the man was about to commit an offence, and now by this Amendment they proposed to say that it was sufficient to take his name and to summon him instead of arresting him.

MR. LYULPH STANLEY said, that if a policeman saw a man whom he suspected of murder, he would have power to arrest him at once; if he saw a man with a crape mask, and whom he believed to be about to commit a felony, he could arrest him. The Amendment was only to meet a case where a policeman only suspected that the man was going to commit a trivial offence.

MR. PARNELL said, he understood the alternative was to give the policeman the power of summoning, and he thought that was a thing which the Government might be reasonably expected to agree to. The clause, if amended, would run in this way—

"In a proclaimed district, if a person is out of his place of abode at any time after one hour later than sunset, or before sunrise, under suspicious circumstances, such person may be summoned before a magistrate, and if such person be unknown, any constable may arrest such person," &c.

It appeared to him that it would be better to say that any constable could arrest or summon the person, and if the Amendment before the Committee were withdrawn, it might be amended as he suggested.

Amendment, by leave, *withdrawn.*

Mr. PARNELL said, he wished to move to insert, after "arrests," the words "or summon," with the object of afterwards moving, if the Government agreed to the Amendment, "and if he arrests him may bring him before a justice of the peace." This would give the alternative power of summoning.

Amendment proposed, in page 4, line 21, after the word "arrest," insert the words "or summon."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

Mr. SEXTON said, that surely the right hon. and learned Gentleman the Home Secretary, who had such confidence in the discretion of the police, would not refuse to allow him the option of arresting or summoning—would not decline to trust to his discretion in this matter. There were two classes of men who might come under the clause—one would be unknown, and the other known, and of respectable position. Surely, if individuals belonging to the latter class were found abroad during the prescribed hours, the right hon. and learned Gentleman would not hesitate to allow them to be summoned instead of arrested and imprisoned. Their position in society would be such that they would be sure to answer the summons.

Sir WILLIAM HARCOURT said, that after what the Attorney General had said, it was not for him (Sir William Harcourt) to say anything more. He would point out, however, that this clause would have nothing to do with summonses—it was a clause for prevention. But summonses were not for prevention, they were for punishment. They did not summon a man because he should not commit an offence, but because he had committed it.

Mr. O'DONNELL said, the right hon. and learned Gentleman said the Amendment was no preventive; but he (Mr. O'Donnell) did not agree with that view of the matter. The knowledge that he would be summoned, if found out, would be a distinct preventive to a person—it would decidedly induce him not to do anything likely to bring him within the reach of this clause. The argument of the hon. Member for Sligo (Mr. Sexton) still remained unanswered. The right hon. and learned Gentleman had dwelt over and over again upon the discretion of the police, and the reasonableness of intrusting them with all sorts of power; and yet when they offered to give him the power of either arresting a man or summoning him, as he thought proper, the Home Secretary, all of a sudden, refused to allow any discretion to his remarkable police. If the police were at all deserving of the trust reposed in them, they certainly might be intrusted with that much discretionary power.

Dr. COMMINS said, the Home Secretary forgot the fact that this clause created an offence. It would be a different thing if all it did was to secure a person who committed an offence and locked him up for a night; but so far from that being the case, it created an offence punishable by six months' imprisonment. There was not a single case of such powers of summary arrest being given to policemen when they knew the offenders and could summon them without any danger or risk. Did any one imagine that a man who was going to hough cattle, or set fire to a house, or a haystack, would proceed with his design if he was intercepted, and his name was taken down by a policeman? It was ridiculous to suppose that, and if the object of the Bill was to prevent crime and to warn men in time, that would be best done in the manner now suggested, and at the same time innocent people would be protected.

Question put, and *negatived.*

Dr. COMMINS said, he had an Amendment to propose, which, though small, was very important. If despotic powers were to be intrusted to the police within certain limits, steps ought to be taken to prevent abuse. One form of abusing these powers would be to allow a policeman, instead of taking a person arrested to the nearest magistrate, to take him several miles away to a magistrate. His Amendment was intended to prevent a proceeding so vexatious.

Sir WILLIAM HARCOURT said, he would introduce the words "nearest available."

Amendment proposed, in page 4, line 22, to leave out "a," and insert "the nearest available."—(*Dr. Commins.*)

Question proposed, "That 'a' stand part of the Clause."

Mr. GIBSON said, the principle mentioned by the hon. and learned Member was sound, and it was right that a person arrested should have his case taken as speedily as possible before the nearest magistrate available; but if that was distinctly put in the Bill, there must be some safeguard to that proceeding. If it was provided that the nearest magistrate was to be gone to, and it should turn out that there had been a mistake, and that the case had not been taken to the nearest magistrate, what would then be the legal position?

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, the Government hardly thought it necessary to do more than guard the clause with these words. It was a common thing in Statutes to provide that a person arrested should be taken before the nearest magistrate, and the nearest magistrate meant the magistrate who could be most easily got at.

Question put, and *negatived.*

Mr. SEXTON (for Mr. Dillon) moved to omit from the clause the words "committing him to prison or," the effect of which would be to take from the magistrate before whom a person arrested should be first taken the right to commit him to prison, and to leave to the magistrate three courses—to discharge the prisoner, or take bail for him, or send him immediately before a Court of Summary Jurisdiction. The Committee, he observed, would see that the unfortunate person who was arrested would be subject to a series of elaborate powers. In the first place, there was the power of the policeman to arrest him on mere suspicion; then there was the power of the magistrate to send him to prison for an indefinite term; and, in the third place, there was the power of the Court of Summary Jurisdiction to send him to prison for six months. When a policeman arrested a man, he was bound to take the prisoner before a Justice of the Peace; but if the man was arrested at 10 o'clock at night, probably no magistrate could be found, and the case would have to wait till the next day. On the following day the prisoner might be committed to prison by the magistrate for an indefinite term, and what security was there against the arrested person being kept in prison for a week or a fortnight on the order of a preliminary Justice? The Government had added a number of Resident Magistrates to the list, and it would be easy to arrange that there should be two Resident Magistrates in each county continually available. It was evidently very unjust that persons arrested could be committed for an indefinite period by a preliminary Justice, before a competent tribunal could deal with the case.

Amendment proposed, in page 4, line 24, to leave out the words "committing him to prison or."—(*Mr. Sexton.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, this was an ordinary Petty Sessions jurisdiction, and was exercised every day. The condition was that the prisoner should be brought before a magistrate, and if he gave a satisfactory explanation, should be discharged. If he could not, then he should be made amenable to answer before the Resident Magistrate, and he must either procure bail or not; and if he could not, then he must be committed to prison until he could be brought before the Resident Magistrate.

Mr. DILLON inquired whether it was to be understood that the magistrate was to commit a man to prison only if he could not provide bail?

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) replied, that that was so unless the circumstances were such that the men ought not to be left at large.

Sir WILLIAM HARCOURT said, supposing a man was arrested on suspicion of having committed the Phœnix Park murder, could it be supposed that he could be set at large? There were circumstances in which it would be highly improper to set a man at liberty. But, in any case, if a man could not find bail he must take the alternative of going to prison. In either case these words could not be omitted.

Mr. DILLON said, he thought the Government were under an extraordinary misapprehension. In regard to the illustration of the Phœnix Park murder, surely a man suspected of any murder would not be arrested under this clause. A magistrate could commit a man to gaol on any crime, whether it was a murder or not; but he wanted to point out that it had already been proved that in nine cases out of ten the men likely to be arrested under such a clause as this would be innocent men, who ought to be at once discharged. The figures quoted proved that; and it was an outrage that men arrested under this clause—for no man suspected of crime would be dealt with under this clause, but under the ordinary law—should be sent to prison for an indefinite term on the order of one magistrate, when they were well enough known to obtain bail. Some people might think this was not a point of importance, but it was one of great importance; because a large number of men might be arrested under suspicion of illegal action, and committed to prison. To a poor man it might be a trifle, but it would be a serious punishment to a man of a higher position to spend even one night in a cell. All he wanted was that a man who was arrested, if he could produce reasonable bail by a person who was known in the neighbourhood, should be released without the option to the magistrate of committing him to prison. If a man in such a case ran away, the Government would be well rid of him.

MR. SEXTON observed, that the Resident Magistrates could hold their Court as often as they chose, and asked whether the Government would give an assurance that in no case should a prisoner be detained beyond a certain period? It would be very hard for a man to be kept in gaol for a fortnight on a vague suspicion, and he thought the Home Secretary might name a maximum period of detention.

SIR WILLIAM HARCOURT replied, that if the hon. Member would give him time to consider the question, he would see what could be done, for he quite saw the hardship of a man being kept any considerable time in prison before being brought before a magistrate.

MR. PARNELL said, that under the ordinary law a prisoner could not be remanded for more than seven days at a time.

SIR WILLIAM HARCOURT promised to consider the point.

MR. T. P. O'CONNOR suggested that the maximum should not be seven days, but 48 hours.

Question put, and *agreed to.*

MR. DILLON said, the extraordinary character of this clause was entirely without precedent, and he hoped the Government would accept the Amendment he proposed to move. It was utterly contrary to the principles of law and justice that when a man was assumed to be guilty of an offence he should then be called upon to prove his innocence, or he would be held to be guilty. Suppose a man left his house for some perfectly innocent purpose, he might be charged with suspicious circumstances, and he would only have his own word to give as to having been on lawful business. No other evidence could be produced in four out of five cases. Would the magistrate believe the evidence of the policeman or of the prisoner? The prisoner might make a plausible statement as to whether he was a "Moonlighter" or not; but very likely a "Moonlighter" would make a more plausible statement than the innocent man. The accused would simply have his own word against the word of the policeman to prove that he was out on lawful business. The words of the clause were, "facts to satisfy the Court;" and, instead of these words, he (Mr. Dillon) proposed—

> "And if such court is satisfied, on evidence produced, that such person was out under suspicious circumstances, and not on some lawful occasion or business, such person shall be held to be guilty of an offence under this Act."

He could not understand why the Government should refuse to accept that portion of his Amendment; but if they did, he should be driven to the conclusion that they had an intent which he had supposed lay beneath the wording of their own clause—namely, that it should be within the power of the magistrate, in interpreting the clause, to call upon the prisoner to produce evidence that he was innocent, failing which he would be held guilty. The alteration he now proposed would give the fullest discretion to the Court to consider a case. Finally, he suggested these words—

> "But an offence under this section shall not be punished by more than one month's imprisonment."

He earnestly urged that portion of the Amendment on the attention of the Government, because, after all, the Government themselves would admit that of those who would be convicted under this section a large proportion must be, to say the least of it, excessively doubtful as to whether they were out with unlawful intent or not. When the Committee came to consider this in the light of what the Government had said as to what they thought would be suspicious circumstances, and the extremely vague character of this expression, they would see that many a man would find himself in suspicious circumstances, and would be held to be guilty, although he had no intent to do anything criminal at all. It was in the nature of the clause to catch a number of men who were absolutely ignorant of any criminal intent. That must be evident to any man of fair mind. If that was the case, what was the great crime of being out under suspicious circumstances, and what object had the Government in taking power to inflict such a punishment as was proposed? A month's imprisonment was fully sufficient to place in the hands of the magistrates; and if a man was found again under suspicious circumstances, he could be sentenced to another month. He took it that a man who had been committed for one month would be under the observation of the police, and, therefore, he did not see what motive, beyond pure vindictiveness, there could be in taking this power.

The CHAIRMAN: Before I put this Amendment, I must point out that it will practically settle the Amendments which follow, except that of Mr. Leamy.

Amendment proposed,

In page 4, line 26, to leave out from "and," to end of sub-section, and insert "and if such court is satisfied, on evidence produced, that such person was out under suspicious circumstances, and not on some lawful occasion or business, such person shall be held to be guilty of an offence under this Act. But an offence under this section shall not be punished by more than one month's imprisonment."—(*Mr. Dillon.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR WILLIAM HARCOURT said, the objection taken by the hon. Member upon this matter was one which would apply to many offences under the English Law, in regard to which it constantly happened that the onus of proof was thrown upon the accused. Under the Vagrancy Act, a man might be committed to prison as a rogue and vagabond, and the onus lay entirely upon him to deliver himself. That Act provided that every person found wandering abroad, or in a deserted or unoccupied building, or in a cart or waggon, not having any visible means of subsistence, and not giving a good account of himself, could be committed to prison. The essence of the offence was in not giving a good account of himself. [MR. T. P. O'CONNOR: No.] In spite of the superior knowledge of the hon. Member, he would venture to say that a person who could not give a good account of himself, and not having any visible means of subsistence, would have to prove—first, what means of subsistence he had; and secondly, he would have to give some account of himself in order to go free. That was a common circumstance in England, and the punishment under the Act was three months' imprisonment. They were now dealing with a much more serious offence and a much greater evil than mere vagrancy. The Vagrancy Act was meant to apply to persons who, like gipsies, went about the country without any visible means of subsistence. If they omitted the word "suspicious," they would destroy the whole object of the clause. The moment they admitted the idea of suspicion, they did involve the proposition that the person was to clear himself from the suspicion. The hon. Member would see that the clause could not be subjected to the limitation proposed.

MR. T. P. O'CONNOR said, the words of the Vagrancy Act were—"having no visible means of subsistence, and being unable to give an account of himself." He had ventured to interrupt the right hon. and learned Gentleman when he was reading the Act, because the right hon. and learned Gentleman appeared to be incorrect in the statement that a man being unable to give a satisfactory account of himself was the main part of the offence. He was under the impression that the right hon. and learned Gentleman imagined that the word was "or," and not "and;" and he (Mr. T. P. O'Connor) ventured to think still that having no visible means of subsistence was the main part of the offence which the vagrant was charged with. The right hon. and learned Gentleman said that the Act was occasionally administered with severity and injustice. He must remember that nine out of every ten arrested for vagrancy were persons who were known to the police as pickpockets, who were watched continually, and who were rarely arrested even as vagrants until the police had satisfied themselves that the people were in the habit of making their living by pilfering. The illustration which the right hon. and learned Gentleman gave was a proof of how fallacious his analogy was. He gave the case of gipsies. Everyone who knew anything at all about the matter knew that, in the vast majority of cases, pilfering was until recently one of the means of livelihood the gipsies had. To give a magistrate power, under the Vagrancy Act, to arrest persons who were distinctly marked, and to give a magistrate power to arrest any other part of the population, were two different things. He had thought the right hon. and learned Gentleman would do the common sense of the Committee the satisfaction of changing his fallacies as he went along. The very ingenious mind of the right hon. and learned Gentleman would have no difficulty in evoking any number of fallacies to support the propositions he might put before the Committee. The right hon. and learned Gentleman had argued that because a policeman had certain power to arrest a person on suspicion in England, the Committee were justified in giving the right of suspicion, under the terms of this clause, in Ireland, the right hon. and learned Gentleman knowing that there was this main difference between the clause now proposed and the law in England—that a person in England could not get six months' imprisonment for being guilty of an offence under the Vagrancy Act. The right hon. and learned Gentleman might freshen up his memory and give the Committee a better answer than the one he had given.

Mr. PUGH said, that, in the case of an arrest under the Vagrancy Act, it must be proved that the accused had no visible means of subsistence before there could be a conviction. It seemed to him (Mr. Pugh) that, under this clause, something ought to be proved before a conviction was obtained because a man was arrested upon the ground that he was out under suspicious circumstances. In order to follow the analogy of the Vagrancy Act, the constable making an arrest under this clause ought to be called upon to prove before the magistrate that the circumstances under which he arrested the man were sufficiently suspicious to justify him in making the arrest. He was persuaded that the right hon. and learned Gentleman would see that in this direction the clause really did require some amendment. He (Mr. Pugh) could not altogether agree with the Amendment proposed by the hon. Member for Tipperary (Mr. Dillon); but, before entering upon a consideration of the Amendment, he must point out that, under the clause, not only was there no necessity to prove the suspicious circumstances which were relied upon in making the arrest, but the man was called upon to prove a great deal more than he ought to be. According to the Preamble, this Bill was intended for the prevention and repression of crime, and, no doubt, it was directed against crime of a certain character. The accused was not only called upon to prove that he was not out for the purpose of committing a crime, or that he was out for some purpose other than the commission of crime, but he was called upon to prove affirmatively that he was out on some lawful occasion and business. Suppose he was out poaching. That would not be a lawful occasion, but he apprehended that it was an occasion that this Act was not intended to meet. A man might be out for some purpose which was forbidden by some law or other, but not by this Act; therefore, it ought to be sufficient for him to show that he was not out for the purpose of the commission of crime as defined in this Act. He was not sure whether it would not be held that a young man was out for an unlawful purpose if he were found loitering about premises in which his ladylove lived, but entrance to which might possibly have been forbidden him by the father, the owner of the premises. Let them see what the Amendment proposed to do. He should say nothing with regard to the last part of the Amendment, for it dealt with punishment, which was a separate matter, and it ought to be discussed separately. He would deal with the question as to what ought to be proved against the man arrested, and with what the man ought to be called upon to prove. It seemed to him that the Court ought, first of all, to be satisfied that the accused was out under circumstances indicating the intention to commit a crime, and words to that effect he understood the Home Secretary was prepared to introduce. If the words—

> "If the Court is satisfied that he is out under circumstances indicating an intention to commit crime,"

or some to that effect, were inserted, then, he thought, the accused ought fairly to be called upon to prove something, and he should be liable to conviction if he failed to satisfy the Court that he was out for some purpose other than the commission of crime.

Mr. PARNELL wished to ask why the Government wanted to have this clause more severe than the clause of the Act of 1870, which was found, according to the statement of the Chief Secretary, to have been sufficient for its purpose? The Amendment of his hon. Friend the Member for Tipperary (Mr. Dillon), practically speaking, would make this part of the clause similar to the corresponding part of the clause dealing with the same subject in the Act of 1870. This clause practically threw the onus of proving his innocence upon the person arrested; but the 23rd section of the Act of 1870 obliged the Justices to believe that a person was not out of the house upon some lawful occasion or business, and then they might commit him to gaol for six months with hard labour. He certainly thought the Government ought to accept the Amendment of his hon. Friend so far as it made the clause similar to the one in the corresponding section of the Act of 1870. This clause said—

> "And if such person, on appearing before a Court of Summary Jurisdiction acting under this Act fails to satisfy the Court that he was out of his place of abode upon some lawful occasion or business he shall be guilty of an offence against this Act."

He wished to ask why the Government could not accept the Amendment, or some similar Amendment, which would have the effect of reducing the stringency of the clause, and making it correspond with a like clause in the Act of 1870? He had intended to move an Amendment in the same spirit as that of his hon. Friend. His Amendment would have been to leave out the words from the word "if," in line 26, to the word "out," in line 28, and insert "the Court shall believe that such person was not." That would have had the effect of making the clause read in this way—

> "To bring him before a Court of Summary Jurisdiction acting under this Act, and if the Court shall believe that such person was not out of his place of abode upon some lawful occasion or business, he shall be guilty of an offence against this Act."

That would make it similar to the clause in the Act of 1870, and he did not think it was an unreasonable proposal to make to the Government. The Government said the Act of 1870 was effectual for its purpose, and, therefore, he thought they might fairly ask the Government to modify the clause in the direction indicated.

Dr. COMMINS said, that, whether the exact words of the Amendment were adopted or not, some Amendment ought to be adopted which would carry out the idea embodied in the Amendment. The clause, as it stood, was open to very serious objection, for, being a clause that created a criminal offence, it seemed against the ordinary principles of the Criminal Law by substituting suspicion for proof.

The ATTORNEY GENERAL (Sir Henry James) understood the hon. Member for the City of Cork (Mr. Parnell) to desire the adoption of the words of the Act of 1870. He had consulted with his right hon. and learned Friend the Home Secretary, and he had to say that his right hon. and learned Friend would be willing to assent to the suggestion of the hon. Member for the City of Cork, if the hon. Member for Tipperary (Mr. Dillon) would withdraw his Amendment.

Mr. DILLON said, he, of course, would withdraw his Amendment, although upon the question of punishment he had received no answer. He was strongly of opinion that the punishment for the offence ought not to be so severe as was proposed in the clause.

Amendment, by leave, *withdrawn.*

Mr. DILLON presumed the Attorney General would move his own Amendment.

The ATTORNEY GENERAL (Sir Henry James) said, the matter would want some consideration. He would promise to take the words of the Act of

1870, and he would bring them up on Report.

MR. MARUM moved, in page 4, line 30, after "Act," insert—

"Provided, That any person whilst engaged in the fulfilment of any lawful public or private duty or business shall not be deemed to be out of his place of abode under extraordinary and suspicious circumstances, and the mere circumstance of any person being out of his place of abode during prohibited hours shall not of itself, and irrespective of any other circumstances, be deemed to justify such arrest as aforesaid."

He did not mean to say that the latter part of his Amendment was strictly necessary; but he had embodied it in his Amendment as a result of his own personal experience. In 1871, whilst the Peace Preservation Act was in operation, two persons were brought before him by the police, and, there being no specific charge against them, he discharged them. The occasion of the arrest was the men were out during prohibited hours; but they were not out at that time designedly. In this matter they were dealing with a class of men who were not very intelligent; and, therefore, he thought it was wise that there should be some such provision as he proposed to prevent the arrest of men who were simply out during prohibited hours. As he had said, he did not think the provision absolutely necessary; but, inasmuch as it might afford some safeguard against the abuse of the power of the police, he thought the Attorney General might assent to it.

Amendment proposed,

In page 4, line 30, after the word "Act," to inserted the words "Provided, That any person whilst engaged in the fulfilment of any lawful public or private duty or business shall not be deemed to be out of his place of abode under extraordinary and suspicious circumstances, and the mere circumstance of any person being out of his place of abode during prohibited hours, shall not of itself, and irrespective of any other circumstances, be deemed to justify such arrest as aforesaid."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the effect of adopting the Amendment would simply be the negativing of the clause. If a man were not out under suspicious circumstances he would not be guilty of an offence. He did hope the hon. Member would not press the Amendment.

Question put, and *negatived.*

MR. LABOUCHERE moved, in page 4, line 30, after "Act," to insert—

But in case he shall so satisfy the Court, he shall be entitled to such sum as the Court shall deem to be sufficient indemnity for loss of time or any other damage caused by such arrest."

The object of the Amendment was that in case a person was unfairly or unjustly arrested, he should have some species of indemnity. The Home Secretary would say that compensation was not given in England when a person had been arrested on suspicion, and he had not been found guilty; but the right hon. and learned Gentleman must bear in mind that this was quite an exceptional case. A respectable man might be walking along the road, when any policeman, believing him to be on some suspicious errand, could arrest him, lock him up for the night, and bring him before a magistrate the next morning. The man might lose a certain amount of money by the arrest; in any case he would lose a certain amount of time; and he (Mr. Labouchere) would suggest that some little indemnity should be granted to the man wrongfully accused. He did not ask that the indemnity should be paid out of the Consolidated Fund, but out of the local rates, or out of the surplus revenue of the Irish Church Fund. It was a matter of perfect indifference to him from what source the money was obtained, provided compensation was paid whenever loss or damage had been sustained by the action of the police.

THE CHAIRMAN: The hon. Member is not entitled to move any Amendment which involves an expenditure from the Public Exchequer. This Amendment does not come at all within the scope of the clause.

MR. HEALY asked if the Amendment would not be in Order if it provided that the compensation should be paid out of the local rates?

THE CHAIRMAN: That can be done if the Committee so decides.

MR. HEALY submitted that the hon. Gentleman would be in Order in proposing that the indemnity should be paid out of the county rates.

THE CHAIRMAN: The hon. Member might make such a Motion.

MR. LABOUCHERE said, he would move that the indemnity be paid out of the county rates, or the surplus of the Church Fund.

Amendment proposed,

In page 4, line 30, after the word "Act," to insert the words "but in case he shall so satisfy the Court, he shall be entitled to such sum as the Court shall deem to be sufficient indemnity for loss of time or any other damage caused by such arrest out of the county rates."—(*Mr. Labouchere.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, it was rather late for the hon. Member to propose this Amendment. The arrest of people might become to them, under such an Amendment, a very lucrative occupation. A man might make himself suspicious in order to be arrested at night, and get an indemnity the next morning.

Mr. T. D. SULLIVAN said, the object of the Amendment was to place some little check upon the overweening zeal of the Irish police, and some check was certainly necessary. It was all very well for the Home Secretary to imagine extreme cases from his point of view. Why not the Irish Members imagine extreme cases from their point of view? Why could not they imagine an over-zealous policemen having a desire to arrest a man, no matter whether he had good cause or not? It was not likely that a policeman would get into any trouble if he made an unjust arrest; but, on the contrary, he would get credit from his superior officer for being extremely zealous and active. Let them imagine another case. The Home Secretary had a way of giving wings and freedom to his imagination. Let them try something of the same style of argument, and let them suppose the case of a policeman or magistrate who had any spite against a particular individual. Under this clause, it would be in the power of these officials to arrest the man if he happened to be out at night, and bring him up next day only to send him about his business again. The police and magistrates could, under this clause, harass and annoy the people, although they might not always be able to inflict punishment upon them. He did not think that was a far-fetched supposition; indeed, it was more reasonable than the humorous idea which had been laid before the Committee by the Home Secretary.

Mr. GIBSON said, no Amendment could possibly be more unpopular with the tenants; and he was sure that if the hon. Member knew that the money proposed to be given would neither come out of his own pocket, nor out of the pockets of the landlords, he would at once withdraw his proposal.

Mr. SEXTON hailed with satisfaction the appearance of the right hon. and learned Gentleman (Mr. Gibson) as champion of the tenants of Ireland.

Mr. SYNAN said, the proposal would, if accepted, inflict a pecuniary loss upon those whose interests the hon. Member advocated. Why should innocent ratepayers suffer in having to provide compensation for wrongs thus inflicted upon other innocent ratepayers?

Mr. GILL said, as there seemed to be an agreement that this expense should not fall on the ratepayers, he would suggest a less objectionable course, that would save the rates, and, at the same time, curb the excessive zeal of the Constabulary, and that was to make the money chargeable on the £180,000 about to be voted to the Irish Constabulary.

Question put, and *negatived.*

Mr. MARUM moved to add, at the end of the clause—

"Provided, That if he decline to tender himself for examination as such witness, the ordinary presumption of innocence shall not be thereby rebutted."

The ATTORNEY GENERAL (Sir Henry James) said, it was impossible to accept the Amendment; it must be a matter left to the discretion of the magistrates and the Court to deal with. They could not tell the magistrate what he must think of the conduct of a person under such circumstances.

Amendment *negatived.*

Mr. METGE said, he had an Amendment to propose which he thought the Government could accept. It was one of considerable importance to the poorer classes, because it was probable that among these a great number of arrests would be made, and the children and families of the person arrested might have to suffer considerable privation on account of the suspicion of crime upon which the arrest was made. There was nothing exceptional in the words he wished to add at the end of the clause; it was merely assimilating the Bill to the law as it stood in England under 12 & 13 *Vict.*, where there was a clause extending the right of Poor Law relief to families of persons confined in gaol or other places of custody; whereas, in Ireland, Poor Law allowances could only be extended to families of persons incapacitated from mental or bodily infirmity. So, in the case of any person arrested under this Act, his family would be excluded from the benefit of outdoor relief. The persons likely to be arrested under this Act were of the labouring class, shop-assistants, and the lower class of artizans, just the classes whose families were least able to support themselves when the male head of the family was taken from them. For this reason he thought the Government should accept the Amendment. He moved similar words to the Act of last year, and after some hesitation the Government accepted them, and to his own knowledge they proved a considerable benefit to poor people. The chief reason which he would press upon the Government was this—that hardly as the Coercion Act bore upon the people of Ireland, one of its worst features was the fruit that it inevitably bore, and one of the most bitter feelings raised among the people was that not only were they liable to arbitrary arrest, but that arrest included misery and destitution to the members of their families.

Amendment proposed,

In page 4, at end, to add "the family, if any, of any person detained under this Act, shall not thereby be incapacitated from receiving outdoor relief, if otherwise qualified to receive it, but shall in all cases be dealt with by the board of guardians of their respective unions in the same manner as if the person so detained under this Act had been suffering from mental or bodily infirmity."—(*Mr. Metge.*)

Question proposed, "That those words be there added."

MR. HEALY said, he thought the words were better as they were to be found in the Coercion Act of last year, and they would come at the end of the Bill. Those words were that the provisions of the Relief of Distress (Ireland) Act of 1880, and as amended by the Act of the same year, should apply so far as outdoor relief was concerned. He would suggest, as regarded these provisions, that during the continuance of this Act they should be extended; but whether the Amendment should come here or at the end of the Bill was another matter. But he trusted the Government, if they did not accept the Amendment now, would not exclude it from their consideration later on. Then, perhaps, his hon. Friend would be induced to move the Amendment in the form of the Act of last year later on. The Committee had now reached a time when, perhaps, it was too late to consider the matter, unless the Government had made up their minds on the point.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, if the Amendment were accepted, its proper place would not be at the end of this clause. If the Amendment were brought up on Report it should receive every consideration meanwhile; but he could make no promise on it.

MR. METGE really thought the Government might make some promise. It was a matter of the greatest importance, and there was no possible reason urged against the Amendment. With the intention of raising it later on he would now withdraw the Amendment.

Amendment, by leave, *withdrawn.*

MR. SEXTON said, it would be admitted as a fact that the crimes and acts that this Bill was intended to repress were connected with rural life and occupations with which cities and towns had no connection. In towns people moved about upon their ordinary lawful business at a much later hour. Were the Government willing to accept some such provision as this—

"Provided, That no arrest shall be made under this clause at an earlier hour than ten o'clock at night in any city or town in Ireland."

He begged to move an Amendment in those words.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, of course the Committee understood that this clause would only apply to proclaimed districts, and it was unlikely that towns would be proclaimed. And then it was very difficult at the moment to provide a definition of the term "town," should it be municipal borough, or Parliamentary borough, or what else. If the Amendment were brought up on Report the Government would take it into consideration; but they could not accept it now. There was some force in the observations made by the hon. Member; but, in the absence of the Home Secretary, the only promise that could be made was that the Amendment should be considered.

Mr. HEALY said, the contention all along had been that this clause was intended to deal with "Moonlight" outrages, and therefore there was every justification for the Amendment.

Mr. LEAMY said, as to the remark of the Attorney General, that towns were not proclaimed, he would remind the Committee that the town he represented was proclaimed a few months after the Coercion Act was passed, and ever since. Against the evidence of Judges of Assize and the Judges of County Courts, that the town was perfectly free from agrarian crime, the town had remained proclaimed by the Lord Lieutenant. So he did not think that there was any reason to believe that towns would not be proclaimed under the Bill.

Mr. SEXTON said, he would consent to withdraw the Amendment now, and if the Government did not put down a similar Amendment he would move it on Report.

Amendment, by leave, *withdrawn.*

On Question, "That the Clause, as amended, stand part of the Bill?"

Mr. DILLON said, before the clause was passed, he would urge upon the Government that they should consider, between this and the next stage of the Bill, a reduction in the punishment to be inflicted under this clause. It was monstrous that a penalty of six months' imprisonment should be inflicted, and where, as he had succeeded in demonstrating, of necessity a great many innocent men must suffer. He did not know how the clause could be worked without dragging a number of innocent men to prison, and he thought the Government might be content with one month's imprisonment as the penalty.

The ATTORNEY GENERAL (Sir Henry James) said, with a view to meeting the point raised, the Government would consider whether any modification could be made in the punishment.

Question put.

The Committee *divided:*—Ayes 98; Noes 27: Majority 71.

AYES.

Acland, Sir T. D.
Agnew, W.
Ainsworth, D.
Alexander, Colonel
Allen, H. G.
Armitage, B.
Armitstead, G.
Asher, A.
Ashmead-Bartlett, E.
Balfour, J. B.
Bass, Sir A.
Borlase, W. C.
Brand, H. R.
Brassey, Sir T.
Bright, rt. hon. J.
Brise, Colonel R.
Brooks, W. C.
Brown, A. H.
Bruce, rt. hon. Lord C.
Buxton, F. W.
Campbell, Lord C.
Campbell, R. F. F.
Campbell-Bannerman, H.
Causton, R. K.
Chamberlain, rt. hn. J.
Cohen, A.
Cotes, C. C.
Courtney, L. H.
Dickson, T. A.
Digby, Col. hon. E.
Dilke, Sir C. W.
Dodds, J.
Dodson, rt. hon. J. G.
Dundas, hon. J. C.
Elliot, hon. A. R. D.
Farquharson, Dr. R.
Fenwick-Bisset, M.
Foljambe, C. G. S.
Forster, Sir C.
Fort, R.
Fowler, R. N.
Fry, L.
Gibson, rt. hon. E.
Givan, J.
Goschen, rt. hon. G. J.
Grafton, F. W.
Grant, A.
Grey, A. H. G.
Harcourt, rt. hon. Sir W. G. V. V.
Hartington, Marq. of
Hayter, Sir A. D.
Heneage, E.
Herschell, Sir F.
Hibbert, J. T.
Holland, Sir H. T.
Holms, J.
Howard, E. S.
Illingworth, A.
James, Sir H.
Johnson, W. M.
Lawrence, W.
Lea, T.
Leake, R.
Leatham, W. H.
Lee, H.
Lefevre, right hon. G. J. S.
Leigh, R.
Long, W. H.
Mackintosh, C. F.
Macnaghten, E.
Monk, C. J.
Morley, A.
Mundella, rt. hn. A. J.
Onslow, D.
Paget, T. T.
Parker, C. S.
Percy, Lord A.
Plunket, rt. hon. D. R.
Porter, A. M.
Powell, W. R. H.
Pugh, L. P.
Richardson, T.
Schreiber, C.
Scott, M. D.
Severne, J. E.
Simon, Serjeant J.
Stanley, hon. E. L.
Stanton, W. J.
Stewart, J.
Tavistock, Marquess of
Warton, C. N.
Waugh, E.
Whitley, E.
Williams, S. C. E.
Wilson, I.
Wodehouse, E. R.
Woodall, W.
Wortley, C. B. Stuart-

TELLERS.

Grosvenor, Lord R.
Kensington, Lord

NOES.

Biggar, J. G.
Byrne, G. M.
Callan, P.
Commins, A.
Corbet, W. J.
Dillon, J.
Dillwyn, L. L.
Gill, H. J.
Healy, T. M.
Labouchere, H.
Leamy, E.
M'Carthy, J.
Martin, P.
Marum, E. M.
Metge, R. H.
Molloy, B. C.
Nolan, Colonel J. P.
O'Connor, T. P.
O'Donnell, F. H.
O'Gorman Mahon, Col. The
O'Kelly, J.
Parnell, C. S.
Sexton, T.
Sheil, E.
Smithwick, J. F.
Sullivan, T. D.
Synan, E. J.

TELLERS.

Power, R.
Redmond, J. E.

Committee report Progress; to sit again upon *Monday* next.

House adjourned at a quarter-after Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, 19th June, 1882.

MINUTES.]—*Sat First in Parliament*—The Lord Erskine, after the death of his father.

PUBLIC BILLS—*First Reading*—Local Government Provisional Order (No. 11)* (152); Local Government (Ireland) Provisional Orders (No. 5)* (153).

Second Reading — Election of Representative Peers (Ireland) * (137); Public Health (Fruit-Pickers' Lodgings)* (127); Local Government Provisional Orders (No. 3)* (122); Local Government Provisional Order (Artizans' and Labourers' Dwellings)* (121); Tramways Provisional Orders* (125); Tramways Provisional Orders (No. 2)* (126); Intermediate Education (Ireland) (138); County Courts (Ireland) (105); Somersham Rectory (116).

Second Reading—Referred to Select Committee—Bills of Sale Act (1878) Amendment (60).

Committee—Report—Elementary Education Provisional Orders Confirmation (Finchley, &c.)* (63); Pier and Harbour Provisional Orders (No. 2)* (123).

Third Reading—Pluralities Acts Amendment* (139); Places of Worship Sites Amendment* (141), and *passed.*

Royal Assent—Documentary Evidence [45 *Vict.* c. 9]; Military Manœuvres [45 *Vict.* c. 10]; Public Health (Scotland) Act Amendment [45 *Vict.* c. 11]; Militia Storehouses [45 *Vict.* c. 12]; Commonable Rights [45 *Vict.* c. 15]; Arklow Harbour [45 *Vict.* c. 13]; Metropolis Management and Building Acts (Amendment) [45 *Vict.* c. 14]; Irish Reproductive Loan Fund Act (1874) Amendment [45 *Vict.* c. 16]; Local Government Provisional Order (Highways) [45 *Vict.* c. xxvi]; Commons Regulation Provisional Orders [45 *Vict.* c. xxvii]; Inclosure (Arkleside) Provisional Order [45 *Vict.* c. xxviii]; Inclosure (Bettws Disserth) Provisional Order [45 *Vict.* c. xxix]; Inclosure (Cefn Drawen) Provisional Order [45 *Vict.* c. xxx]; Local Government (Ireland) Provisional Order [45 *Vict.* c. xxxi]; Local Government (Ireland) Provisional Orders (Ballymena, &c.) [45 *Vict.* c. xxxii]; Local Government Provisional Orders [45 *Vict.* c. xxxiii]; Local Government Provisional Orders (Poor Law) [45 *Vict.* c. xxxiv].

BILLS OF SALE ACT (1878) AMENDMENT BILL.—(No. 60.)

(*The Lord Coleridge.*)

SECOND READING.

Order of the Day for the Second Reading read.

LORD COLERIDGE, in rising to move that the Bill be now read a second time, said, that the object it had in view was to do away with a great and serious evil, which was increasing yearly to a very large extent—namely, the oppression of poor and ignorant borrowers among the artizan or working classes by the lowest and most unscrupulous class of money-lenders. The latter usually obtained the power to seize at once the property and goods of the borrowers, and this power, created by Judge-made law, had been much extended by the Judges. As a rule, bills of sale had been interpreted by the Courts of this country to pass all property which came afterwards into the possession of the grantor, although it had not been made originally part of the grant in the bill of sale. That must necessarily be very hard upon honest traders; because the result was that a dishonest man who made a bill of sale and passed all his existing property to a money-lender, passed also to him goods which afterwards came to the grantor in the way of his trade, although they might not have been paid for. That operation of bills of sale was, to some extent, controlled by a section in the Bankruptcy Act of 1869, which had this effect—that all goods in the hands of a bankrupt, although he might have given a bill of sale, yet if they were in his order and disposition at the time of the bankruptcy, passed to the general body of creditors. In 1877 the number of bills of sale under £50 was 4,802 in England, and the amount secured by them was £125,597. In 1880, the number was 38,177, and the sum secured £715,000. The smaller bills of sale given to money-lenders were undoubtedly very oppressive, and the interest exacted was often outrageous. He held in his hand a copy of a bill of sale, which contained no less than 21 conditions of forfeiture. It was only with bills of sale of that kind that the measure was intended to interfere. The noble and learned Lord on the Woolsack had sent circulars to the County Court Judges and other officials, asking for their views on the proposed legislation, and, speaking generally, the answers were in favour of it. About 82 answers were received, most of which were, on the whole, in favour of the measure he was now advocating. Last year a Bill similar to the present one was introduced in the House of Commons, and referred to a Select Committee, composed of Members of high character and great authority.

Among the witnesses examined before it was a money-lender, who, with singular frankness, admitted that it would be to the advantage of the poor if they were not able to borrow money on bills of sale. The measure, which had failed to pass in the House of Commons last year, in consequence of the pressure of other Business, had this year been read a third time in that House, with the unanimous approval of the Chambers of Commerce and of the persons interested in the question. Among the chief provisions of the Bill was a clause requiring that every bill of sale should, as a matter of course, be registered, and that to each a schedule must be attached, containing a clear description on its face of the property to which the document referred. Another provision was that property acquired by the grantor after the execution of the instrument should not pass under the bill of sale. By a third clause it was proposed to enact that every bill of sale must be properly attested, and must bear on its face proof that a competent person had explained its contents to the grantor. By another provision, bills of sale for sums under £50 were declared absolutely void. He hoped their Lordships, by passing this Bill, would prevent the granting of such bills of sale as he held in his hand, the conditions of which were oppressive, and the interest on which was excessive. The accommodation furnished by such bills was small, it was granted on ruinous terms, and consequently the whole of the property was often swept away. It was to distinguish such bills of sale as those from the *bonâ fide* ones granted in mercantile transactions that the Bill was introduced. A good deal of evidence was laid before the Select Committee, to which this matter was referred by the other House, as to the point at which bills of sale should not be allowed, and he would recommend their Lordships to read that evidence, from which they would see that most ruinous rates of interest were charged. There had also been considerable difference of opinion in the answers to the Lord Chancellor's circular, some persons thinking that bills of sale should not be granted for less than £50, and others thinking that the minimum should be higher; but, with a single exception, the House of Commons' Committee was unanimous in fixing £50 as the amount below which no bill of sale should be granted. He would now ask their Lordships to give a second reading to the Bill.

Moved, "That the Bill be now read 2^a."—(*The Lord Coleridge.*)

Earl CAIRNS said, he did not rise to offer any opposition to the second reading of the Bill, indeed he thought it was a measure that it would be as well to pass into law; but, at the same time, seeing how very much it touched the commerce of the country, he thought their Lordships would do well to give the details of the measure a good deal of consideration before they determined to do so. If the Bill was not to go before a Select Committee, it would be all the more necessary. He had received representations from various parts of the country, which satisfied him that there was much difference of opinion with regard to the Bill. He did not see on what principle it was, if a man was engaged in trade, that they should say—"You shall not borrow money on a bill of sale under £50, but you may on a bill above that amount." If there was any advantage at all in giving bills of sale, he could not see why the poor man should be prohibited from availing himself of the advantage, though he quite admitted that it was, no doubt, hard when a man found that articles which he had supplied on credit, perhaps, to a very considerable value, were swept away by means of a bill of sale; but as those instruments were registered documents, people in trade could protect themselves. He would suggest that the Bill be referred to a Select Committee.

Lord STANLEY of ALDERLEY asked whether there was no innovation in that part of the Bill which referred to giving a bill of sale on growing crops, and which seemed like an advertisement for money-lenders? He also thought growing crops required some definition. Would bills of sale date from the time seed was put into the ground, or from the time when it came up?

The LORD CHANCELLOR said, he was glad no one was going to oppose the second reading of the Bill; but he must express his concurrence in the opinion of his noble and learned Friend opposite (Earl Cairns), that the details of the Bill would require their Lordships' careful consideration. If the Bill could be referred to a Select Committee, as his noble and learned Friend opposite had suggested, it might be advantageous for that purpose; but if the convenience of their Lordships would not admit of a Select Committee, it was all the more desirable that the Bill should be carefully considered in that House. With respect to the surprising increase alleged to have taken place in the number of bills of sale, particularly for small amounts, since the passing of the Act of 1878, there was, he thought, a simple explanation, which would prevent the inference being drawn which would attribute that increase to the Act of 1878. The law formerly was that a bill of sale must be registered within, he thought, 21 days, and it would be in force in the meantime. But there was nothing whatever to prevent the bill of sale from being re-granted from time to time before the 21 days had expired; and the consequence was, under the operation of that law, that a bill of sale might never be put upon the register at all. It was found, therefore, that numbers of bills of sale were renewed before the expiration of the 21 days, they being, in the meantime, perfectly valid. The Act of 1878, however, provided, very stringently, that a bill of sale must be registered within seven days, and that, if not registered within that time, no renewal of it should be valid. The consequence was that all, or almost all, the bills of sale actually granted were forced upon the register. Therefore, it was not that the Act of 1878 called a number of bills of sale into existence, but that, all being obliged to be registered, the true number and extent of the transactions was disclosed. He doubted whether the Act of 1878 gave any stimulus to that class of transactions. As for the proposal to abolish all bills of sale under £50, he admitted that, if practicable, it was desirable that the State should protect poor persons against the extortions of usurers; but it was a strong measure to compel such persons to go into bankruptcy, or to break up their business, instead of dealing with their property for the purpose of raising money. The evidence to which the noble and learned Lord (Lord Coleridge) had referred might probably justify the conclusions which he had drawn from it; but the provisions of the Bill unquestionably required very careful consideration. For instance, there was a clause enumerating several acts, all depending on the grantor of the bill of sale, which if the grantor did not do, the grantee could not take possession. Another clause dealt with the contingency of bankruptcy within 12 months after the granting of a bill of sale, and virtually provided that, unless, within that period, the grantee took possession, he must lose the benefit of his security, although, under the former clause, he could not take possession, except in certain circumstances which, as far as he was concerned, might never occur. The restrictions, indeed, were so numerous as to leave him (the Lord Chancellor) to doubt whether any persons would be willing to lend either a great or a small sum on such terms. He did not say that there were not proper and useful provisions in the Bill; but he thought, without expressing a final opinion on the subject, that the clauses he had mentioned might profitably be examined by a Select Committee.

LORD COLERIDGE said, he was quite willing, if it was the general wish of their Lordships, that the course recommended by the noble and learned Lord on the Woolsack should be adopted.

Motion *agreed to;* Bill read 2ª accordingly, and *referred* to a Select Committee.

EGYPT—THE SUEZ CANAL.

OBSERVATIONS. QUESTION.

LORD LAMINGTON, in rising to call the attention of the House to the balance sheet of the Suez Canal, said, that he was anxious not to say one word that might embarrass the Government in the present serious state of Egyptian affairs; but the shareholders of the Suez Canal had recently held a meeting in Paris, and the Report submitted to them was so remarkable that it seemed to him desirable to bring it under the notice of their Lordships and the country, in order that the Government should state what amount of control they exercised over the Canal. As the House knew, the Canal was opened in 1869. In the following year 490 ships passed through it, with a gross tonnage of 486,000 tons. In 1879, 1,477 ships passed through, of a tonnage of 3,236,000 tons; in 1880, 2,026, of a tonnage of 4,344,000; in 1881, 2,727, with a tonnage of 5,794,000. The result of all this was that the net profit, after deducting 5 per cent for the reserve fund, amounted to about 14 or 15 per cent. The Report went on to say that last year's figures showed an increase on those of 1880 of 34 per cent in the number of vessels and the tonnage, and of 28¾ per cent in the amount of the receipts, and he (Lord Lamington) supposed that altogether such a balance-sheet of such an undertaking was never presented before. Seven new permanent services for the Canal were inaugurated last year—the British India, the German, the Thames and Mersey, a French one to Mauritius and Réunion, a Dutch one to Java, an English one for the same destination, and a Chinese line, the China Merchants' Steam Navigation Company. The vessels bound direct for Australia numbered 98, as against 51 in the year 1880. This steady increase had been maintained in spite of the fact that freights to India and the East had been so low as hardly to yield the barest profit to the shippers. The Canal, in fact, tended more and more, year by year, to become the sole International highway between the East and the West, as well as between Europe and Australasia. Now, as 78 or 79 per cent of the total number of ships passing through the Canal in 1881 carried the British flag, that fact was sufficient to show the enormous importance of the Canal to the trade of Great Britain. There was, however, another reason which made it specially necessary at the present moment to draw the attention of the Government to this part of the Egyptian question, and it was this—half the Canal, the part connecting Ismailia with Port Said, depended for its water supply on the fresh-water canal which passed Ismailia, turned southward, and ended at Suez. This supply was both precarious and insufficient, and if it were interrupted would render Port Said uninhabitable, and would necessitate the abandonment of many stations on the Canal. That was exceedingly important, especially as he found that the officials of the water company that supplied Alexandria had given notice of the suspension of their works in consequence of the state of the country. It thus appeared that the water supply of Alexandria might be cut off at any moment, from which the most serious consequences must follow, to say nothing of the fact that the proposed new fresh-water canal, which, according to the Report, had become very desirable, and as to which measures had been taken for its construction, had now been suspended owing to the troubled state of the country. He had taken upon himself to point out, 15 years ago, that the Suez Canal would eventually become the high road between England and India, where we had 250,000,000 subjects, and the prediction had been fulfilled. Therefore, it was impossible to exaggerate the importance of this question, as regarded our interests in it; and in order to show what others thought of it, he would ask their Lordships' attention to a despatch of M. Barthélemy St. Hilaire, who said that England furnished nearly all the custom, and that the Canal was the indispensable route which placed her in communication with that incomparable Colony which she possessed in India. It was said that there was to be a European Conference, and he (Lord Lamington) believed that the assembling hereafter of all the Powers at a Conference, with Turkey sending her Representative, would be attended with beneficial results; but to hold one at the present moment would be like building a lifeboat whilst the vessel was hurrying to destruction, or constructing a fire-escape when the building was in flames. With or without allies we were bound to protect our interests, independent of any other country. The result, so far, of our interference seemed to be that all the Powers were afraid of each other. France was afraid of the Sultan, England would not act without France, Italy would not act without the other Powers—and, in fact, the only person who was not afraid was Arabi Pasha, who set everybody at defiance. There was no time for a Conference, because in one week the Suez Canal might be in jeopardy. He did not say there should be any interference in the internal affairs of Egypt, because he was not sure that it was within our right to do so; but trying to protect the Canal could in no way be said to be interfering with the general policy of the country at all; and when our own interests were at stake, together with the lives and property of Her Majesty's subjects, they were bound to interfere when necessary. If France had gone before us, so much the better; but, come what would, we were bound to protect the rights of our countrymen and the trade of our country. We ought to act in independence of other countries, stating that we did not wish to interfere with any internal arrangement. What had been done by the Government in sending ships to Alexandria without troops on board was of as much utility as—

> "A painted ship
> Upon a painted ocean,"

and like sending a body without a soul. What the Government ought to do was to take such measures as would prove effectual in the protection of the Canal, and not in this matter to rely on France or any other Power, but to see that the interests of England, which were paramount above all others, would be duly considered and conserved. In conclusion, he would ask Her Majesty's Government whether they possessed any control over the management and maintenance of the Canal?

EARL GRANVILLE: My Lords, I should be the very last person to charge the noble Lord opposite (Lord Lamington) with introducing Questions merely with a view of embarrassing Her Majesty's Government. The noble Lord puts Questions and discusses subjects in which he takes an interest always in the most courteous manner. I must say I can conceive no subject of greater interest than the one the noble Lord's Question is upon, none your Lordships take a deeper interest in, or to which Her Majesty's Government attach greater importance. At the same time, I must point out to my noble Friend that his Question hardly led me to anticipate the exact line he was going to take. The Notice on the Paper is—

> "To call attention to the balance sheet of the Suez Canal, and to ask Her Majesty's Government whether they possess any control over the management and maintenance of the Canal."

The noble Lord himself gave some figures—some very striking figures, and I believe he gave them quite accurately—as to the balance-sheet of the Canal. As to the control Her Majesty's Government have over the management and maintenance of the Canal, no doubt the noble Lord knows exactly how the matter stands. We receive no share of the earnings of the Canal until 1894; but we receive from the Khedive 5 per cent upon the purchase money of our shares. We have nominated three competent men as members of the Board of Directors, who represent the British Government on the Board—Colonel Stokes, Sir Rivers Wilson, and Mr. Stanley. The two former gentlemen watch all financial matters, and attend every monthly meeting of the Board, and the latter is the resident director in Paris, a member of the managing committee, and sends the Government information of everything that occurs there. In fact, they all three report constantly to Her Majesty's Government upon all matters affecting either the financial or the general interests of this country, and I am informed that they have great influence upon the Board, and are treated with great consideration by the French directors. The noble Lord went into a much larger question, one which very properly occupies the public mind to a great extent at the present moment. I can only say as to that question that it does not escape the attention of Her Majesty's Government, and we attach absolutely the same importance that the noble Lord does to the enormous interest England possesses in the Suez Canal.

INTERMEDIATE EDUCATION (IRELAND) BILL.—(No 138.)

(*The Lord O'Hagan.*)

SECOND READING.

Order of the Day for the Second Reading read.

LORD O'HAGAN, in moving that the Bill be now read a second time, said, its object was to alter to a large extent an existing Act of Parliament. Their Lordships would remember that in 1878 the noble and learned Earl, the then Lord Chancellor (Earl Cairns), introduced into their Lordships' House a Bill for the improvement of intermediate education in Ireland. That was a very wise, just, and impartial measure. Their Lordships accepted it unanimously, and it went through the House of Commons also with unanimity. The Act then passed was received in Ireland with uniform favour on all sides. It created great emulation, and, at the same time, it created new schools, improved the old schools, and gave a wonderful stimulus to the education of the country. The funds for carrying out the new system, which were taken from the Church Surplus Fund, proved, however, to be inadequate for the purpose, and when the Bill passed the House £1,000,000 was allocated by Vote to purposes of intermediate education in Ireland. But that arrangement regarded only the boys of Ireland, and it was not contemplated that the girls should come within the operations of the measure at all. The change, however, was proposed in the House of Commons, and it was unanimously agreed that the Bill should apply to girls as well as boys. As was pointed out at the time, the result of the change was likely to be that the £1,000,000, although it was believed that it would be adequate for the young males, would not be adequate when the addition of the girls was made. It was stated that a difficulty would arise, and the noble and learned Earl (Earl Cairns) pledged the Government that if there should be, as anticipated, a want of additional means for this great national purpose, the question of supplying these means would be considered by the Government. The figures showing the progress of the system were remarkable, and might be of interest to their Lordships. In the year 1879—the Bill having passed in 1878—there were 3,671 boys and 979 girls under the scheme—a total of 4,630. In 1880, there were 4,693 boys and 1,477 girls—a total of 6,170; in 1881, the boys were 5,714, and the girls, 2,033—a total of 7,747. That showed a marvellous progress and a very satisfactory state of things indeed. But the result was that the Commissioners of Intermediate Education, applying themselves to the changed circumstances which were created by the addition of the girls, found that their means were not sufficient to meet the demands for result fees, exhibitions, and prizes which it was necessary to give for the purpose of carrying on the system, and in the year 1881 there came a deficit. There was consequently at that moment, he (Lord O'Hagan) was sorry to say, a considerable deficit with reference to the existing operations of the system, and it would be necessary for the Government to look carefully into the matter, and to fulfil, in the case of this system of intermediate education, the promise made by their Predecessors. But in the meantime, in the year 1879-80, there was a considerable surplus—a surplus of some £8,000 or £10,000; in 1881 that surplus became a deficit. The Act of Parliament provided that the Commissioners could accumulate the surplus from year to year and capitalize it; but it deprived them of the power of applying the surplus that might be accumulated one year to supplying a deficit of another year. The object of the present Bill was to give the Commissioners power to apply the surplus of 1879-80 to the deficit of 1881, and would give them continuous powers hereafter to apply surpluses in the same way. He would ask them to give the Bill a second reading.

Moved, "That the Bill be now read 2ª."—(*The Lord O'Hagan.*)

On Question? *Resolved* in the *affirmative.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

In reply to a Question upon the subject,

Lord O'HAGAN said, that the Treasury had not been yet applied to, as it was only a power to use money already in hand; but if there were still a deficit, the small amount necessary to defray it would come out of the Disestablished Church Surplus.

COUNTY COURTS (IRELAND) BILL.

(*The Lord O'Hagan.*)

(NO. 105.) SECOND READING.

Order of the Day for the Second Reading read.

Lord O'HAGAN, in moving that the Bill be now read a second time, said, that it would, if passed, facilitate and improve the means of obtaining appeals from the County Courts in Ireland. There were certain difficulties existing under the present law. Certain cases disposed of by the County Courts were not appealable; and the object of the Bill was to give an appeal in every case, except those which came within the late Acts of Parliament dealing with the equitable jurisdiction of the County Courts. The second object of this legislation was to give an opportunity of appealing, which at present could only be done whilst the County Court was sitting, after the sittings of the Court had terminated. If that were not done, there would be in many cases a defeat of justice. The Bill also provided that certain jurisdiction should be given to County Courts in Ireland which they did not at present possess—one of which was to allow executors to administer, within certain limits, the assets in the County Courts; and also to give County Courts jurisdiction in cases where there had been mistake or fraud, and where the County Courts had not, up to the present, been able to take action under the existing law. He believed, in both these cases, it was considered a matter of great hardship that people having to deal only with small cases should be compelled to go to the Courts of Chancery, and incur enormous expense, where the matter at issue was often of a trifling amount. He would conclude by moving the second reading.

Moved, "That the Bill be now read 2ª."—(*The Lord O'Hagan.*)

The Earl of MILLTOWN said, he did not wish to oppose the Bill. It, however, gave an absolutely unlimited right of appeal; and it was not, in his opinion, always of advantage to a poor person that there should be a right of appeal in his case. Such a power might often have the effect of defeating the ends of justice, and he thought a person making an appeal should have to show good grounds for doing so. There should, moreover, be no right of appeal in actions of debt under a certain amount, otherwise it might be possible for a rich man to crush a poor man by insisting on his right of appeal. Then the appeal was to a Judge of Assize; and, unfortunately—or fortunately as some think—in Ireland the Assizes only took place twice a-year, and a considerable amount of time might thus elapse before an appeal could possibly be heard. There was a Winter Assize, and he would suggest that appeals should be heard before the Judges who went on those Assizes. He saw that the Bill made it unnecessary that an affidavit should be made by the appellant that the appeal was not made for the purpose of delay. That would be a bad provision, and he trusted the noble and learned Lord (Lord O'Hagan) would see the desirability of taking it out of the Bill.

On Question? *Resolved* in the *affirmative.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

SOMERSHAM RECTORY BILL.

(*The Earl of Powis.*)

(NO. 116.) SECOND READING.

Order of the Day for the Second Reading read.

The Earl of POWIS, in moving that the Bill be now read 2ª, said, its object was to provide that four-sevenths of the income of the rectory should be enjoyed by the Regius Professor of Divinity at Cambridge, while three-sevenths should be allotted to the clergyman who was in charge of the parish, subject to the obligation to maintain two curates.

Moved, "That the Bill be now read 2ª."—(*The Earl of Powis.*)

On Question? *Resolved* in the *affirmative.*

Bill read 2ª accordingly.

House adjourned at Six o'clock,
till To-morrow, a quarter
past Ten o'clock.

HOUSE OF COMMONS,

Monday, 19th June, 1882.

MINUTES.]—New Member Sworn—Robert William Duff, esquire, *for* the County of Banff.

Select Committee—*Report*—Artizans' and Labourers' Dwellings [No. 235].

Private Bills (*by Order*)—*Considered as amended*—Accrington Improvement (*changed from* "Accrington Extension and Improvement")*; Blackburn Improvement; Bolton Improvement*; Chadderton Improvement*; Macclesfield Corporation*; Manchester Corporation; Newcastle-upon-Tyne Improvement*.

Public Bills—*Ordered—First Reading*—Highway Rate and Expenditure* [209].

Second Reading — Petty Sessions (Ireland) [203].

Committee—Prevention of Crime (Ireland) [157]—R.P. [*Fourteenth Night*].

Committee—Report—Copyright (Musical Compositions) [161].

Third Reading—Local Government (Ireland) Provisional Orders (No. 5)* [160]; Local ment Provisional Order (No. 11)* [186], and *passed.*

PRIVATE BUSINESS.

BLACKBURN IMPROVEMENT BILL (*by Order*).

CONSIDERATION, AS AMENDED.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now considered."—(*Sir Charles Forster.*)

MR. HOPWOOD, in moving, as an Amendment—

> "That it is inexpedient to proceed with the consideration of the Improvement Bills, or any of them, included in the reference to the Committee on Sanitary and Police Clauses of March 13th, 1882, unless such portions thereof as create local sanitary or police law, exceptional to the Law of the Realm, be omitted therefrom,"

said, he was quite sensible that his Amendment was somewhat ill-timed, considering the present block of the Business of the House; but he hoped that indulgence would be extended to him while he pointed out that this was a continuation of what he considered to be a useful protest in regard to legislation in this direction which he had made a few weeks ago. It would be in the recollection of the House that certain Bills which were connected with sanitary arrangements and police matters had been referred to a Select Committee; and the whole of those Bills now stood on the Paper for further consideration. He had objected to them when they were originally before the House, on the ground that a large number of provisions were contained in them which would, if they were passed, effect an alteration in the general law of the land; and that it was inexpedient to sanction such provisions in Private Bills.

ROYAL ASSENT.

Message to attend the Lords Commissioners;—

The House went;—and being returned:—

Mr. SPEAKER *reported* the *Royal Assent to* several Bills.

BLACKBURN IMPROVEMENT BILL.

Question again proposed, "That the Bill, as amended, be now considered."

MR. HOPWOOD, resuming, said, he had been explaining to the House the position of this matter. On the 13th March it was ordered by the House—

> "That the Committee of Selection do appoint a Committee, not exceeding Seven in number, to whom shall be referred all private Bills promoted by Municipal and other local Authorities, by which it is proposed to create powers relating to Police or Sanitary Regulations which deviate from, or are in extension of, or repugnant to, the general Law; and that it be an Instruction to such Committee to make a Special Report to this House in respect of any such powers as the Committee may sanction, together with the reasons on which the grant of such powers are recommended and the recent precedents applicable to the case."

That Order was acted upon, and these Bills were referred to a Committee of hon. Members specially selected for the purpose; and, so far as he (Mr. Hopwood) was concerned, he would join in bearing his testimony to the able manner in which the Committee had discharged their duties, and had complied with the general directions of the Instruction they had received from the House. Nevertheless, he had still to call attention to some matters, although not in a sense of hostility, in these Private Bills which had not been reported upon by the Committee, in the hope that in future precautions would be taken to prevent the inconvenient course adopted in the present case from becoming a precedent. The House knew what the general mode was of introducing Improvement Bills of this sort. The Bill itself usually had in view some special wants of the town in connection with which it was introduced, such as gas, or water, or possibly highways. There might be some special demand which called for legislation, and for legislation which might be properly applied locally. But when the Bill was brought in due form before the Corporation, some member of the Corporation, who had some "fad" upon some other general subject—perhaps of health—availed himself of the opportunity of converting the measure into an Omnibus Bill, so as to include in it a number of other matters on which he thought legislation might be fairly and effectively introduced. The Corporation thereupon set to work to see how this was to be done. It was provided by the Legislature under Leeman's Act that due notice should be given to the town affected, that a meeting should be called to discuss the proposal, and that nothing whatever should be done without proper information having been conveyed to the people of the town who were interested in the project. But the way in which that provision of that Statute was carried out was to insert a sort of advertisement in the newspapers, intimating that a Bill was about to be promoted in Parliament, containing provisions respecting gas and water, and "for other purposes." Then, under the "other purposes," most important clauses were introduced, often infringing the personal liberty of the subject, and placing every sanitary and police regulation under the exclusive control of a certain class of persons who were, as a general rule, able to introduce such measures as "unopposed." He was sensible that the subject was one to which he could not induce the House to devote all the attention it deserved; but he, nevertheless, felt himself bound to call attention to the matter, and to show the evils which the existing system engendered. As he had already stated, a Select Committee had sat upon these various Bills, and it would probably interest the House to show the nature of the provisions which the Committee had considered it right to cut down. He would refer for an example to the Dundee Police Bill. That Bill contained clauses of this sort—that every person who committed, or attempted to commit, falsehood, fraud, or otherwise, in the course of an investigation before the magistrates, should be liable to imprisonment for 60 days; and that a pawnbroker or broker should, under certain circumstances, be punishable as the receiver of stolen goods. Then there were provisions in regard to disorderly houses, and powers enabling medical men to inspect and examine every house and premises, and every person residing in such house or premises, in order to ascertain if anyone was suffering from any infectious or dangerous disease. There were powers also to issue and enforce regulations in regard to the prevention of disease. A number of these powers were struck out by the Committee before whom the Bill was sent; but not only the Dundee Police Bill, but the Newcastle-on-Tyne Improvement Bill, and various others, contained a number of similar extravagant provisions. He could not say that such provisions were actually applied for by the Corporations interested, because he understood that when a town wanted an Improvement Act, it was the practice to send up general instructions to a Parliamentary agent, who thereupon set to work and included in the Bill every possible provision which any other town in a distant quarter had ever either obtained or sought for. The object of the Act was to try these propositions again before a Committee, who might feel that, in the event of the Bill being unopposed, they were to be passed without question, and in that way a Bill, containing provisions which the Legislature never intended, was passed by a Committee upstairs and became the law of the land. It was as well that the House should know that a Private Act was just as much an Act of Parliament as any public one. It was not generally supposed to be so; but, as a matter of fact, it certainly was so, and hence it was that they had an accumulation of provisions in Private Acts which were contrary to the generally received law of the land. Owing to the adoption, by means of such Private Acts, of peculiar legislation, the law had become as diverse in form in many localities as the numerous laws and jurisdictions which characterized France prior to the Revolution. He believed that, in the Resolutions they had arrived at, the Select Committee had done excellent service; but, although they had rendered excellent service in certain respects, they had thought it right to sanction two long series of sections in the Bill before them, which made a considerable addition to the Sanitary Code, and they had done so, in his (Mr. Hopwood's) opinion, without hearing the people who were interested on the other side. They had trusted altogether to the suggestions of the Local Government Board; and, in doing so, he submitted that they were entirely in error. He would admit that there was great value in having some Department of the State responsible to the House for what was passed in the shape of these Local Bills; but when he found that the Local Government Board were prepared to go in advance of the public mind in regard to sanitary legislation, he contended that a Committee of this kind ought to have exercised its own independent judgment in the matter. He would not go the length of saying that the Committee, in this instance, had not done their duty; but what he did say was that certain objectionable principles which had been pointed out by him had been left untouched, and that alterations of the general law ought not to be made in the shape of Private Statutes. The Committee, in their Report, stated that—

> "Anomalies and irregularities have undoubtedly received the sanction without the full knowledge of Parliament; and it appears to the Committee that such provisions, whether punishable or otherwise, should not, as is too often the case, by the mere fact of being unopposed, escape the publicity which their importance demands."

They then proceeded to say that they had examined the clauses of the Bills submitted to them, and had struck out a large number of clauses proposing to give powers which might be already obtained by means of bye-laws under general Acts. Their defence for sanctioning the two particular sets of clauses they had inserted was, in the first place, in regard to the sanitary regulations, that they were asked for mostly by the medical officers of the Corporations interested. Now, the medical officer of a corporate body might be one of the ablest of men, or he might be, as was too often the case, a practitioner subordinate to many others in the same town, quite inexperienced and unskilled, and yet it was proposed to give him these exceptional and extraordinary powers at his own request. He would give the House one quotation from the evidence to illustrate what he meant. It was the case of Bolton, and a medical officer was called before the Committee in support of a clause conferring exceptional powers in regard to infectious diseases. The clause provided that if any person had resided in a house, or any part of a house, in which there had been within six weeks previously a person suffering from an infectious disease, which house had not been disinfected to the satisfaction of the Corporation, &c., and no person residing in such house, or part of such house, should receive books, &c., on loan from any such house, any person offending being liable to a penalty of 40*s*. The witness was a Bolton practitioner, who was called in support of the Bolton Bill; and his evidence was to the effect that it was desirable to legislate to prevent the transmission of disease by means of books, letters, pamphlets, and so on. Being asked to give an instance in which a disease had been so transmitted, the witness stated that, about a month or six weeks previously, a case came before him which clearly established that small-pox had been transmitted by that means. The case was that of a young lady engaged in the distribution of tracts from house to house. She caught the disease, and subsequently died; and the witness thought it was quite possible that the work she was engaged in—of distributing tracts in the district—contributed towards the spread of the disease. This was the evidence of a gentleman who was to be charged with the administration of one of these Private Acts which sought to add to his power; and this was the way in which he was prepared to deal with these most important questions. A Member of the Committee asked the witness on what theory he submitted that the young lady had caught the infection from the tracts, and not from contact with any individual she might visited; and the answer was, that she might have done so, but she might also have taken it from the tracts; and he thought the distribution of tracts, under the circumstances, ought not to be allowed. The same Member of the Committee asked him if he had known, in the course of his experience, a case in which an infectious disease had been taken from a monthly magazine. The witness said he could not quite recollect a case in which such a thing had occurred. The question was repeated—"Did you ever know of a case where a disease or disorder was taken from a magazine?" and the answer was—"I do not know of one." Yet, in the very district to which this evidence applied — namely, Bolton, it had transpired, within the last few days, that a medical gentleman had sent a patient whom he was attending to a small-pox hospital; and yet the patient turned out to be suffering only from measles. These were the men who clamoured for these violent and stringent Acts—persons with peculiar "fads," at whose instance respectable people were to be conveyed from their residences to hospitals for the treatment of infectious diseases, often in a state in which they were totally unfit to be removed.

Mr. SCLATER-BOOTH said, he rose to Order. The hon. and learned Gentleman (Mr. Hopwood) was illustrating his case by quoting a series of clauses which had been disallowed by the Committee, and which were not, therefore, in any of the Bills now before the House. He would ask the Speaker if it was competent for the hon. and learned Gentleman, in moving his Amendment, to apply his argument to provisions which had been struck out of the Bills referred to the Select Committee?

MR. HOPWOOD hoped he might be allowed to explain the reasons which induced him to refer to these matters.

MR. SPEAKER said, the Question before the House was the consideration of the Blackburn Improvement Bill. He did not gather from the observations of the hon. and learned Member for Stockport (Mr. Hopwood) that his remarks had any relation to that Bill; but he was bound to say that the conversation which was being carried on generally throughout the House prevented him from gathering accurately what the hon. and learned Member's statements exactly were.

MR. HOPWOOD said, he regretted, as much as the right hon. Gentleman, the indisposition of the House to listen to the discussion of these Bills; and he could assure the House that he had undertaken a task which was likely to be of very little profit to himself, and for which he expected to receive a very small modicum of thanks. He begged, however, that for a short time longer the House would extend their forbearance to him, because he felt himself bound to point out certain facts, although he was not in the least degree disposed to enter at length into matters which had been taken from the purview of the House by the very beneficial action of the Select Committee. His illustrations were only meant to show that the authority which had power given to it by one of these Bills to carry into operation very exceptional clauses was a power that was not fit to be entrusted, in an arbitrary manner, with such extraordinary provisions as were sought to be included in Acts of this kind. He only desired now to make one or two observations upon the sanitary regulations dealt with by the Committee. The Committee stated that—

> "It must be noticed that the Local Government Board, who are the Department charged with the execution and supervision of the Public Health Acts, have been parties to similar enactments in Provisional Order Bills passed by their authority through Parliament, notably in the case of the Manchester Provisional Order Act, 1878."

He (Mr. Hopwood) thought this paragraph afforded proof that Imperial legislation was demanded on the question; and that neither the Local Government Board nor any other Department should be allowed by Provisional Orders to sanction regulations deviating from the general law. He believed very few hon. Members knew what was contained in the body of a Bill for giving effect to a Provisional Order. A Bill for confirming a set of Provisional Orders was often addressed to half-a-dozen different centres of population; and in the instance referred to it had dealt with contested matters which were, at that moment, proposed to be dealt with by more than one general Public Bill. He might also point out that the Select Committee, in the conclusions they had arrived at, had not before them the judgment of the population with which these Bills dealt. The people of the localities had not been in the least degree consulted. He had already shown how these things were done; and he would submit that in none of the towns directly interested were the inhabitants generally made acquainted with the nature of the regulations sought to be imposed on them. The Local Government Board recently held an inquiry, with the view of adopting the notification of diseases at the request of the Office of Health, at Rochdale; and there the medical men of the locality, in a large majority, assembled and protested against the proposed action of the local authorities. In Liverpool, when it was attempted to enact similar provisions, 248 signatures against the proposal were immediately obtained representing the immense majority of the medical gentlemen of the town. In Nottingham and in Bolton clauses of this kind had been inserted into Local Bills; but in both places similar objections had been expressed by a numerous section of the inhabitants, and he was satisfied that the vast majority of the medical practitioners of London would resent any such attempt as this to impose exceptional sanitary and police regulations upon the people. A Return had been presented by the Local Government Board as to the effect of legislation in Private or Local Acts upon the question; but such a Return was asked for under circumstances which would insure a favourable answer. Therefore, the answers which had been returned were of a most favourable kind; but the sole proof attempted to be given of the satisfactory working of the regulations was that the death-rate 10 years before they were passed had been so much, whereas during three, five, or six years after their passing it had only been so much. But it did not follow that the improvement was the logical result of the passing of the Acts. There might have been a hundred other causes at work in producing satisfactory sanitary results, such as the pulling down of houses which were unfit for habitation, the improvement of the sewerage, the provision of a better supply of water, and the increased cleanliness of the district. All of these things were causes which might have had a preponderating effect upon the sanitary condition of a town. He had in his possession figures which he might quote in illustration of his argument; but he did not propose to inflict them upon the House. But a comparison between Liverpool and Bolton might be drawn, one town having these provisions, and the other not; and the statistics were strongly in favour of the city of Liverpool, which had steadily refused to have such clauses, and against Bolton, which had possessed them, perhaps, as long as any town. The figures clearly proved that the death-rate had diminished much more rapidly in Liverpool than in Bolton during the same period of time. So much, then, for the value of these Returns, which he certainly would have dealt with at much greater length, if it had not been for the impatience of the House. Of course, it was only to be expected that Returns obtained under such circumstances would be favourable to the continuation of these powers. The persons from whom they were obtained were the very persons who had either brought or carried Bills before the House asking for similar or greater powers. He submitted that Returns gathered from such a source were not reliable, and that there ought to have been evidence taken on the spot in the various towns to show what the general feeling of the inhabitants was. The Select Committee referred to some of the other powers which these Corporations sought to obtain, and especially to those which were to empower Corporations to close schools and to exclude scholars from schools during the prevalence of infectious diseases. The Committee said that—

> "These, though plausibly urged, seemed to the Committee objectionable and unnecessary; first, because the managers of public elementary schools (which form the vast majority of day schools within urban districts) ought to be held exclusively responsible for the exercise of a proper discretion on so important a matter; and secondly, because the managers have been, recently, under the 98th Article of the new Code, expressly required by the Education Department (presumably as a condition of participation in the grant) to conform to any intimation they may receive from the Sanitary Authority in regard to the necessity of such closing or exclusion."

Then, in the Appendix, the Committee give a classification of diseases, and empowered the Corporation to pay a registered medical practitioner, who sent in a certificate or declaration, a certain fee. The Report also contained observations in reference to certain educational provisions, and in this respect the Select Committee had allowed clauses which were of a somewhat doubtful character. All must feel that education was a matter which could not be rightly dealt with in a Local Bill. Nevertheless, the Select Committee sanctioned, in regard to the Manchester Bill, very important provisions as to juveniles employed in hawking newspapers, &c. Now, he (Mr. Hopwood) believed himself that the grounds for this legislation existed just as much in London, and in some of the other large towns, as in Manchester; but it appeared that some of the most benevolent people in Manchester had arrived at the conclusion that it was wise to adopt in that city the clauses of the Scotch Education Act in regard to young children. His only protest was that such provisions ought not to be contained in a Private Act, and that Parliament should not attempt to do that in a Private Bill which should only belong to a public measure, to be applicable to all places. He believed himself that the public law of England, as contained in the Elementary Education Act of 1876, did all that was necessary in regard to this matter. In the first place, any child under 10 years of age was prohibited from being employed, and anybody who took such a child into his employment rendered himself liable to a penalty of 40*s*. That being so, the Act of 1876 applied to all employments. It appeared, however, that two years after the passing of the Act of 1876 the Elementary Education Act for Scotland was passed, and it seemed to have been thought necessary in that Act to establish some prohibition in regard to casual employment. But he submitted that, as the general law applied to all employments, there was no necessity for a special intervention in regard to casual employment. Then, in addition, there were several other clauses in the Act for England, and others in the Act for Scotland, which, to a certain extent, ameliorated the severity of this provision; and yet they had not been adopted by the Select Committee. The Select Committee had only selected that portion of the Scotch Act which imposed a restriction upon children under the age of 14 years, and provided that after the passing of the Act no child under that age, unless he had obtained a certificate of ability to read and write, and a knowledge of elementary arithmetic in terms of Section 5 of the Elementary Education Act, should be employed in any casual employment after 9 o'clock at night from the 1st day of April to the 1st day of October, and after 7 o'clock at night from the 1st day of October to the 1st day of April. The Committee, however, had left out an important part of the Act of 1876, and that was the provision which enabled a boy or girl to be employed, if he or she had completed the requisite number of attendances at a school under the Act of 1876. He did not know why that should have been done; but it illustrated the inconvenience of legislating in this manner. There were other parts of the English Act, equally important, which were excluded from the operation of the Manchester Local Bill; and altogether he thought it would be far more convenient to deal with such important questions by general legislation. He had now stated very shortly the points to which he desired to call attention, for he felt bound to enter a protest against some of the conclusions to which the Committee had arrived. No doubt, it was a very thankless task he had undertaken; but he should regret to see any other hon. Member, who had, from a sense of public duty, to undertake a similar task, received with so many interruptions by those in the House who took more interest in the questions which were to follow. The hon. and learned Member concluded by moving, as an Amendment—

> "That it is inexpedient to proceed with the consideration of the Accrington Improvement Bill, or any of those included in the Reference to the Committee on Sanitary and Police Clauses of March 13th 1882, unless such portions thereof as create local Sanitary or Police Law exceptional to the Law of the Realm be omitted therefrom."

MR. SPEAKER: I wish to point out to the hon. and learned Member for Stockport (Mr. Hopwood) that the House is now considering the Blackburn Improvement Bill, whereas he has been speaking of the Accrington Improvement Bill.

MR. BRIGGS wished to know if the hon. and learned Member for Stockport (Mr. Hopwood) was entitled to take a vote of the House upon the Blackburn Improvement Bill, seeing that the greater part of his remarks were not relevant to the Blackburn Bill at all?

MR. HOPWOOD said, the Amendment he proposed to move was a comprehensive one, and included all the Improvement Bills, of which the Blackburn was one, which stood for consideration upon the Paper. He had risen the moment these Bills were called on, and if the Accrington Bill had been passed, it was because his opposing voice had not reached the Chair, and he had understood that he was making his observations upon the Accrington Bill. He was certainly in his place before any Private Bills were taken at all; and he thought that the House generally, from the terms of his Amendment upon the Paper, was fully aware of what his intentions were. He would, however, if the Accrington Bill had already been disposed of, substitute the Blackburn Improvement Bill, which stood next on the list.

MR. SPEAKER: I do not understand, from the remarks of the hon. and learned Member, what Amendment it is, precisely, that he proposes to move.

MR. HOPWOOD referred to the Amendment itself upon the Paper, and he proposed to move that it was inexpedient to proceed with the consideration of the Blackburn Improvement Bill.

MR. SPEAKER said, he would put the Amendment accordingly.

Amendment proposed,

> To leave out from the word "That," to the end of the Question, in order to add the words "it is inexpedient to proceed with the consideration of the Improvement Bills, or any of them, included in the Reference to the Committee on Sanitary and Police Clauses of March

13th 1882, unless such portions thereof as create local Sanitary or Police Law exceptional to the Law of the Realm be omitted therefrom."—(*Mr. Hopwood.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. SCLATER-BOOTH said, the hon. and learned Member for Stockport (Mr. Hopwood) complained that he had undertaken a thankless task in asking the House to reject these Bills; but the hon. and learned Member would remember that the House was much obliged to him three months ago, when he first raised this very important subject. At the hon. and learned Member's instance, the House relegated the whole of these Bills to a Select Committee appointed in a peculiar way. That Committee had taken evidence, and had considered the Bills with great care and attention, having perfect freedom to deal with them under the direction of the House. They had so dealt with them, and, according to the admission of the hon. and learned Member, they had done good service by striking out a great deal of objectionable matter. He thought the hon. and learned Gentleman would have done well if he had refrained from opposing these Bills on the present occasion, especially seeing the indisposition of the House to re-open the question. It was to be presumed that hon. Members interested in the subject had read the Report of the Committee. That Report was extremely clear, and it laid down propositions which he thought would be supported by the House; but if all the result of their labours was to be rejected, upon the floor of the House, after half-an-hour's discussion, it would be very difficult in future to get Committees to undertake these laborious duties. He submitted to the House that they should now allow these Bills to go forward. Considering that the attention of the House had been called to them, and that they had already been cut down from the shape in which they were originally presented, and that certain provisions, which had excited a good deal of observation and opposition, had been struck out of them, the Report of the Committee should receive the sanction of the House. The hon. and learned Gentleman had suggested that the Committee should advise the House as to the manner in which they had dealt with all the questions submitted to them. For his own part, he did not think that that was the duty of the Committee. The Committee had made certain recommendations, and he should be prepared—if no other hon. Member did it—after the close of the debate to give Notice of a Resolution, in the shape of a Standing Order, to carry out in future years the same policy which had been adopted this year in regard to the present Bills. He would suggest that the precedent Parliament had established in regard to the important Private Bills submitted to the Select Committee during the present Session should hereafter be adopted in regard to all similar measures. He was satisfied that great good had resulted from the labours of the Committee, although he did not expect that every hon. Member would be satisfied. Some hon. Members would think the Committee had done too much; while other hon. Members would think they had done too little. What he contended was that the House was not in a position to do justice to the important questions contained in the Report of the Committee. They ought, therefore, to allow the Bills to go forward, in order that they might be sent up to the House of Lords, where there would be another opportunity of re-examining them.

Mr. JACOB BRIGHT said, his hon. and learned Friend the Member for Stockport (Mr. Hopwood) was scarcely reasonable in putting half-a-dozen Bills together, and asking the House to vote "Aye" or "No" upon the whole half-dozen. It was quite clear that many hon. Gentlemen might approve of one Bill and dissent altogether from another. It seemed to him that it was absolutely impossible to vote at one time upon half-a-dozen separate Bills. Personally, he had only one word to say in respect to the Manchester Bill. He understood that that Bill was objected to on account of clauses which dealt with the hours of labour of young children in the streets at night. There was a very strong feeling in Manchester on that point, and he believed the hon. and learned Member would admit that there was nothing in the Bill, as it stood originally, of an exceptional character in regard to the law of the Realm. There was nothing novel in it, and nothing that could not be perfectly well understood. He, therefore, thought it was scarcely reasonable that a Bill of so much importance as the Manchester Corporation Bill should be rejected, because it limited the hours of labour of young children in the streets, and he trusted that the Bill would receive the support of the House.

MR. PUGH begged to move that the debate be now adjourned. It was quite clear, from the statement of his hon. and and learned Friend the Member for Stockport (Mr. Hopwood), who moved the Amendment, and from the speech of the right hon. Gentleman opposite (Mr. Sclater-Booth), that the questions involved in the consideration of the Bill were of the utmost importance, and it was also clear that there was an indisposition on the part of the House to enter into a debate of that kind at the present moment. He begged, therefore, to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Mr. Pugh.*)

MR. LYON PLAYFAIR said, the House would recollect that when these Bills were referred to a Select Committee, of which his right hon. Friend (Mr. Sclater-Booth) was Chairman, it knew that it was imposing upon that Committee a formidable and onerous task. He was quite sure the House would agree with him, when he added that the Committee had performed that task in an admirable manner, and that they were entitled to the thanks of the House. After the great labour of the Committee, he trusted the House would support the Committee, and that, without any attempt to adjourn the debate, they would proceed at once to a decision. All these Bills had received an unusually full and careful consideration. He knew of no Committee to which Private Bills had been referred, except, perhaps, the Committee upon the Electric Lighting Bill, which had given the matter referred to it so much exhaustive attention. He, therefore, trusted that his hon. Friend (Mr. Pugh) would not press the Motion for the adjournment of the debate.

MR. HIBBERT said, that, on the part of the Local Government Board, he thanked the right hon. Gentleman (Mr. Sclater-Booth) and the Committee for the labour they had bestowed upon these Bills; and, in doing so, he wished to point out that the objections raised by his hon. and learned Friend the Member for Stockport (Mr. Hopwood) upon the clauses contained in the Bills would apply to similar clauses which now existed in Acts of Parliament relating to 23 of the largest towns of the country. He thought if his hon. and learned Friend had inquired, he would have found that the clauses, to which he so strongly objected, had given great satisfaction in the towns to which they had already been applied. He did not think that his hon. and learned Friend would find that a single Petition had been presented against the proposed clauses; on the contrary, he (Mr. Hibbert) held in his hand Reports from 23 towns, and, in almost every case, the strongest opinion was expressed as to the satisfactory working of these Acts. There was a general concurrence of opinion that they tended very much to prevent the spread of disease; and he knew, further, that it was from the knowledge gained of the working of these Acts in these 23 towns that other towns were anxious to have similar provisions. His hon. and learned Friend said they ought to wait until Parliament could pass some satisfactory general law; but they knew what the difficulty was of getting any legislation at all through that House; and he thought that after the trouble bestowed by the Select Committee, it would be most undesirable to throw the whole of their labours away by refusing to adopt their Report.

MR. JOSEPH COWEN said, he agreed with the spirit of the Amendment, although the town he represented was one of the places which had a Bill included in the Resolution. At the same time, he believed it would be very inconvenient to delay the passing of that Bill, which proposed to carry into effect very considerable local improvements in reference to parks and other matters. Nevertheless, he was in entire sympathy with the proposal of his hon. and learned Friend, that it was undesirable, under cover of Local Bills, to bring forward general legislation. But the point they had to consider here was, how they could possibly obtain a discussion of these Bills? He thought it would take as long as the discussion upon an Irish Coercion Bill. The Bills themselves raised all sorts of questions, and in a case of such importance, involving many details, he thought his hon. and learned Friend should be satisfied with lodging his protest against what had been done, and taking reasonable means in future to secure the end he had in view. It must be borne in mind that all parties concerned in these Bills would have an opportunity, in "another place," of raising the points in dispute, and probably they might be able to secure an alteration in regard to some of them.

Mr. PUGH said, that under the circumstances, and trusting that the discussion would not be continued at any length, he would withdraw the Motion he had made.

Mr. HOPWOOD said, he fully felt the force of the appeal which had been made to him, and he had no desire to waste the time of the House, although he knew very well that the subject was capable of a great deal more being said upon it than had already been said. As he had been allowed to make a protest against the provisions contained in most of these Bills, and as he knew that the House desired to proceed to other Business, he would now withdraw the Amendment.

Mr. SPEAKER pointed out that the Motion for the adjournment of the debate must first be withdrawn.

Mr. PUGH said, he had already intimated his willingness to withdraw it.

Motion, by leave, *withdrawn.*

Mr. HOPWOOD: I will now withdraw my Amendment.

Amendment, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Bill *considered;* to be read the third time.

MANCHESTER CORPORATION BILL

(*by Order*).

CONSIDERATION, AS AMENDED.

Order for Consideration, as amended, read.

Motion made, and Question, "That the Bill, as amended, be now considered,"—(*Sir Charles Forster,*)—put, and *agreed to.*

Mr. ARMITAGE moved, as an Amendment, in Clause 38, page 20, line 26, after the word "child," to insert the words—

> "Under the age of ten years shall be employed in any casual employment within the city and no child who is above the age of ten years but."

He was aware that it was an unusual course to seek to modify or add to the terms of a Bill after it had received the careful attention of a Select Committee; but he hoped it would be felt that he was justified in attempting to do so on the present occasion, when he reminded the right hon. Gentleman who presided over the Select Committee (Mr. Sclater-Booth) and his Colleagues, and the House itself, of the great interest taken in this question by the public of Manchester, and also the neighbouring Borough of Salford, which he (Mr. Armitage) represented, and of the disappointment which was felt on learning that certain words in a clause of this Bill, which were considered to be most essential, were in danger of being excluded. Among a great variety of questions which were included in this very comprehensive and useful Bill of the Manchester Corporation, there was one which dealt with the seriously growing evil of the employment in the streets of young children of what was commonly called the "Street Arab class." To make the House more fully familiar with the case, he might explain that children over 14 years of age would not be at all affected by the proposed Bill, for they were free from any obligation to attend school, and were not liable to any regulations in respect to the Factory Act. There remained, then, the children under 14 years of age, who were proposed by the Bill promoted by the Manchester Corporation to be divided into two classes, and dealt with as follows:—First, the children between 10 and 14 years of age were to be allowed to follow the employment referred to till 7 o'clock in the winter months—say, from October 1st until April 1st, and until 9 o'clock in the summer months—say, from April 1st until October 1st, without any conditions at all. But to entitle them to exceed these hours, and to work until any hour at night they pleased, it would be necessary that they should pass a certain educational test. This portion of the clause the Select Committee had agreed to. Secondly, it was sought to forbid children of more tender age—namely, of less than 10 years—from following this street employment altogether; and it was because the Select Committee had struck out this portion of the clause that he proposed to move an Amendment to reinstate the conditions in the Bill. The elimination of these words from the clause would allow these young children, who were often, as a matter of fact, as young as seven or eight years, to continue to follow this mischievous practice on precisely the same conditions as children of more advanced age. He took this to be a very great hardship upon children of tender age themselves. Perhaps it was considered that it would serve as a sufficient hindrance to the employment of the younger children if they were required to pass such an examination as applied to the elder ones; but, if even that were so, they were free to be so employed until 7 o'clock in the winter, and 9 o'clock in the summer months, under any circumstances. He rested his case, however, in respect to these younger children, not on the ground of their being able to pass an educational test, which he found some were able to do, but simply on the ground of their being so very young. He held that it was only right that they should be subject to the same beneficent regulations as applied to employment in factories and workshops. In reply to the argument that the earnings of the children might be required for the maintenance of themselves, or of other members of the family, he was able to state, on the authority of Dr. John Watts, the Chairman of the Industrial Schools Committee of the Manchester School Board, that, having investigated the circumstances of a large number of children who were following this street employment, it was found that only one-third of them belonged to families who were below the poverty scale of the School Board. That proved that two-thirds of the parents of these children were comparatively independent, and were, therefore, unnecessarily subjecting their children to this very great hardship. Rather than do this in instances where the family was exceedingly poor, he would prefer to relieve them out of the public rates. It should be remembered that the children were not learning any suitable and profitable employment that would be useful to them in later years; but, surrounded as they were by evil associations, they were acquiring habits which would, in all probability, bring them ultimately into the hands of the magistrate and the gaoler. Factory legislation was found to be necessary to guard children against the frequent cupidity and cruelty of parents. He was himself connected with a large manufacturing industry, and he could speak from his own personal knowledge of the number of cases which continually came under his notice, where the parents of the children represented them of an older age than they actually were, in order that they might pass the factory inspection, and be qualified to work in the mills. If legislation were necessary and needful for the protection of children who worked in the mills, where they were sheltered and cared for by Government inspection, how much more was it needful in the case of children who were exposed to the vicissitudes of the weather, and the degradation of street life and evil associations? The experience which had been gained by the various benevolent societies of the town during several years had so guided and matured public opinion, and the authorities had on several occasions addressed the late and present Government, both by memorials and deputations, on the subject, urging upon Her Majesty's Ministers that nothing less than legislation in the matter would suffice. The representations made were to the effect that the offence did not come within the province of any existing law, and, therefore, could not be prevented by any present means. In March, 1880, a deputation waited upon the then Secretary of State for the Home Department (Sir R. Assheton Cross), and reminded him of the memorials which had been previously presented, asking for legislation. The deputation consisted of members of the Corporations of Manchester and Salford, and was supported by Magistrates, Guardians of the Poor, officers of the School Board, and persons connected with various benevolent societies. It had also the support and approval of the whole of the Members for Manchester and Salford, and no hon. Member had taken up the question more warmly than the hon. Member who sat on the other side of the House (Mr. Birley), who introduced the deputation to the late Secretary of State for the Home Department. He (Mr. Armitage) only mentioned this circumstance to show that there was no Party feeling in the matter, but an absolute agreement of opinion. Two years ago a town meeting was held to take into consideration the treatment of juvenile offenders, and there was an entire concurrence in the views expressed that the very mischievous practice of sending them to prison should, as far as possible, cease. A resolution to that effect was passed, because it was felt that Industrial Schools and Reformatories for the constantly growing crop of juvenile offenders were the only alternative. This, however, would not entirely stay the growth of the evil, which arose, in a great measure, from the prevalence of street hawking. It was shown that last year more than one-half of the young persons who were admitted into the Industrial Schools of the Manchester School Board had been so employed, and only 17 per cent had come from families of good repute. This proved clearly that the close connection between the employment now complained of and the increase of crime could not be ignored. It should be borne in mind that an Act of the same kind was at present in force in Glasgow, and they had a report from the police authorities of Glasgow of the beneficial results arising from its operation in that city. He would conclude by expressing his thanks for the attention and patience with which a large portion of the House had listened to his remarks, and by moving to reinstate the words in the clause as they originally stood in the Bill of the Manchester Corporation. He invited the approval and support of the House.

Mr. JACOB BRIGHT, in seconding the Amendment, said, he had no wish to detain the House further than to corroborate the statement of his hon. Friend (Mr. Armitage) as to the overwhelming strength of opinion in Manchester in favour of the Amendment—namely, that young children under the age of 10 years should not be allowed to be employed in the streets. The hon. and learned Member for Stockport (Mr. Hopwood) said that was the general law already. If it were the general law, it would not do much harm to introduce it into this Bill. Men of every creed and Party in Manchester were anxious to have the Amendment made, and the hon. Members who represented Manchester in that House would be glad if the House could see its way to accept the Amendment.

Amendment proposed,

In Clause 38, page 20, line 26, after the word "child," to insert the words "under the age of ten years shall be employed in any casual employment within the city and no child who is above the age of ten years but."—(*Mr. Armitage.*)

Question proposed, "That those words be there inserted."

Mr. SCLATER-BOOTH said, he was quite aware, and the Select Committee was equally aware, of the great desire which prevailed in certain quarters of Manchester that this clause, in its full integrity, should have been incorporated in the Bill. But he could assure his hon. Friend (Mr. Armitage) and the House that the Committee felt so strongly on the subject that they would have preferred to strike out the whole clause rather than sanction it in the form in which it was originally proposed to be inserted in the Bill. No doubt, the clause was copied from a Scotch Act; but if the House was of opinion that a further restriction should be placed upon juvenile labour to this extent, then let it be made applicable to the whole of England, as well as to Scotland; but let the provision be a general one. There did not appear to be any desire that this particular restriction on the labour of children under 10 years of age—children employed in selling newspapers in the streets—should be applied to London, or to the large towns generally. It was only in Manchester that there was any feeling in the matter. The Select Committee had supported the clause in so far as it dealt with children who ought to be at school; but they thought it was not desirable to assent to any further restriction. It was quite sufficient to provide that when children were under school age, they should not be allowed to engage in this casual employment after certain hours in the evening. As he had already stated, the clause, as originally proposed by the Corporation of Manchester, was taken from a Scotch Act; but he must say that the evidence adduced before the Committee as to the working of the provision in Scotland was of the most meagre description. The clause appeared to have been confined to Glasgow; and in regard to its working in Glasgow there was very little evidence indeed. He might remind the House that the whole of this matter could be reconsidered in "another place;" and he did not think the present was a proper time for going into it. A very strong objection was entertained against the clause, as it originally stood; and he believed the Bill, in its present form, contained all that could reasonably be demanded from Parliament. Indeed, as the clause now stood in the Bill, the Committee had felt a great deal of hesitation in passing it. What was now proposed would take away the means of livelihood from a large class. It would be better to strike out the whole clause than to accept the Amendment. He hoped, therefore, that the House would not assent to the Amendment.

Question put, and *negatived.*

Bill to be read the third time.

NOTICES.

PARLIAMENT—RULES OF DEBATE.

MR. M'COAN, having given Notice that he would to-morrow ask the Under Secretary of State for Foreign Affairs, Whether Sir Edward Malet has been instructed to take any, and what, steps to exact punishment and reparation for the murder of the British subjects killed in Alexandria during the riot of the 11th instant; and whether any provision, beyond the stationing of a gun-boat at either end of the channel, has been made, or is contemplated, for the protection of the Suez Canal; and, also, whether Sir Edward Malet has been any party to the arrangement under which Ragheb Pasha has formed a new Egyptian Ministry, in which Arabi Pasha remains Minister of War; and, whether, in view of the recent Anglo-French Note demanding the removal of Arabi from Office, and his exile from Egypt, Her Majesty's Government will recognize any Ministry of which he still forms a part?

MR. O'DONNELL gave Notice that he would ask, with reference to the last Notice, What right Her Majesty's Government have to interfere with the Egyptian Ministry?

MR. O'KELLY gave Notice that he would to-morrow renew his previous Question to the Under Secretary of State for Foreign Affairs, unless the hon. Baronet could answer it then—namely, Whether the list of those killed in the disturbances at Alexandria was complete as regarded British subjects?

SIR CHARLES W. DILKE: Sir, the hon. Member (Mr. O'Kelly) asks me a mere question of fact, and I will answer it now. The Question was asked previously, and, therefore, it is equivalent to Notice. In answer to it, I have stated that six British subjects have been killed. In addition to these, two Maltese, who were also British subjects, have been killed. I will take this opportunity of stating that I have tried to give the House the latest possible information by answering Questions of fact without Notice; but that course of procedure has produced so large an increase in the number of Questions put, and so much inconvenience and loss of time, that I propose in future, under no circumstances, to answer any Question whatever without full Notice.

QUESTIONS.

ARMY—DRUNKENNESS.

MR. CAINE asked the Judge Advocate General, The number of punishments for drunkenness, or for offences arising out of drunkenness, in the Army during the year 1881; and, if it is true that in the Recruiting Circular recently issued through the Post Office, four special advantages are offered to soldiers enlisting, one of which is that "Beer may be obtained from the Regimental Canteens at very low rates?"

THE JUDGE ADVOCATE GENERAL (Mr. OSBORNE MORGAN), in reply, said, that the total number of punishments inflicted on soldiers for drunkenness by court martial and by commanding officers in 1881 was 43,606. The total number of individuals so punished during the same period was 23,255. That number, he was sorry to say, was somewhat in excess in each case of the numbers returned for the year 1880, though very considerably less than the average for the last 10 years. As to the number of punishments for crimes arising out of drunkenness in the Army during the same period, he regretted that he was quite unable to give it, as there was no separate record kept of such offences, and it would be exceedingly difficult to make out such a record; but he might say that, as in the case of civilians, a very large proportion of the crimes of violence and insubordination committed by soldiers were committed by them while under the influence of drink. As to the second part of the Question of his hon. Friend, it was quite true that the purchase of beer, tobacco, &c., from the regimental canteen at low rates, together with other privileges, such as the use of a library, recreation room, and gymnasium, were offered as inducements to recruits to enlist by the Post Office Circular referred to in the Question; but he might say that the beer so supplied was of a very wholesome quality, and cases of drunkenness arising from its consumption were most rare; in fact, almost unknown. He would add that no spirits were sold in canteens at all, and he thought he might say that the real cause of drunkenness in the Army was certainly not the beer sold in the canteens, but the abominable stuff which soldiers obtained, under the name of spirits, in the low public-houses in the neighbourhood of their barracks, and for which the beer was intended, as far as possible, to be a substitute.

STATE OF IRELAND—POLICE PROTECTION AT AMAGARRA (CO. CORK).

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the fact that there have been six police stationed at a place called Amagarra, Ballylanders, county Cork, for a considerable time; and, whether there have been any outrages committed near the place; if not, what is the reason that the police continue to be stationed there, and upon whom their maintenance is charged?

Mr. TREVELYAN: Sir, a protection post was formed a short time ago at Amagarra, County Cork, on account of certain outrages that had been committed in the neighbourhood. There are five police stationed there, but there is no extra expense occasioned thereby, as they are charged for as other men of the county force.

THE MAGISTRACY (IRELAND)—MR. H. A. BLAKE, R.M.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. H. A. Blake, R.M. is the same person as the Mr. Blake, who was charged with taking forcible possession of a house at Carrigbarahane; whether Mr. Blake was summoned to the Petty Sessions at Stradbally therefor; whether it was alleged that a revolver was presented at the caretaker; and that he was also assaulted; if a copy of the evidence taken at the time can be laid before the House; and, whether Mr. Blake will have any special powers under the Crime Bill?

Mr. TREVELYAN: Sir, the matter to which the hon. Member refers related to a private and family affair, and is such as most certainly does not call for the cognizance of the House. I have frequently, in the course of the debates, stated the position which special Resident Magistrates will hold under the Prevention of Crime Bill. They will not have judicial authority.

Mr. HEALY asked the right hon. Gentleman, If proceedings between landlord and tenant could be of a private character; and, whether a man who took forcible possession in the way indicated, and who presented a revolver at the head of the caretaker, was a proper person to occupy the position of Resident Magistrate under the Bill?

Mr. TREVELYAN, in reply, said, he would not enter into the question as to whether Mr. Blake did or did not take possession in the manner stated, and would merely state to the House that the circumstances of the case were not of a nature, as he thought the House would acknowledge, of which they could take cognizance.

Mr. MITCHELL HENRY said, he had received a letter from Mr. Blake, giving a total denial to the circumstance, as stated by the hon. Member, of the use of a revolver.

STATE OF IRELAND—POLICE SURVEILLANCE.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to a statement in the "Belfast Morning News" of June 9th, to the effect that the police at Castleblayney have for some days past been perpetually watching a local contractor; that a constable remains at his side during his working hours, and afterwards hovers about his residence; and, if he can state the object of this surveillance, and by whom and for what object it has been directed?

Mr. TREVELYAN: Sir, it is quite true that the police have been carefully watching the person referred to; but I must decline in the public interest to say upon what grounds they are doing so.

NEW ZEALAND—TE WHITI, THE MAORI CHIEF.

Mr. CROPPER asked the Under Secretary of State for the Colonies, Whether the Government have received any recent information as to the intentions of the New Zealand authorities with regard to Te Whiti, the Maori Chief, who has been lying in prison for several months past on a charge of sedition; and, whether they have considered the expediency of offering their good offices to the Colonial Government to settle the land disputes with the Natives of the West Coast?

Mr. BROGDEN also asked the Under Secretary of State for the Colonies, If he will furnish to the House the Papers relating to the late proceedings with the Native Maori Tribes at Parihaki, in New Zealand, and the arrest of Te Whiti and others; and, if the speech of the Governor, Sir Arthur Gordon, at the opening of the Assembly in May last, announced the fact that an Act would be applied for to enable the Government of New Zealand to continue to detain him without his being tried or convicted of any offence?

Mr. EVELYN ASHLEY: Sir, the Colonial Office has received no official information as to the dealings of the New Zealand Government with the Maori Chief, Te Whiti, later than the Report which informed them that he had been committed to gaol on a charge of sedition in last December. Her Majesty's Government do not think it advisable to offer any intervention in the land disputes with the Natives of the West Coast. Those questions lie entirely within the province of the Colonial Parliament and the Colonial Government. In reply to the Question of the hon. Member for Wednesbury (Mr. Brogden), I have to say that we have not received the text of the Governor's speech; but the Press telegram, which is all that has arrived, indicates that the course contemplated is not continued detention of Te Whiti in prison, but only prohibition to visit and agitate a particular district. Papers will be given, if the hon. Member presses for them; but there must be some delay till the arrival of the documents from New Zealand, which will make the action of the New Zealand Government fully understood, and the Government would rather wait until that information comes to hand.

EDUCATION DEPARTMENT — ROMAN CATHOLIC SCHOOLS, OLDHAM.

Mr. O'CONNOR POWER asked the Vice President of the Council, Whether he is aware of a communication having been addressed to the Education Department by the managers of St. Mary's Roman Catholic Schools, Oldham, setting forth objections to the erection of a School Board in close proximity to their schools; whether he is aware that the Department promised that these objections would be considered when the Oldham School Board applied for permission to erect such school; and, whether he is aware that the Department have since authorised the Board to purchase the site; and, if so, what are the reasons that induced the Department to give such authority in the face of the objections lodged by the managers of St. Mary's Schools?

Mr. MUNDELLA: Sir, I am acquainted with the correspondence which has passed between the Education Department and the managers of St. Mary's Roman Catholic Schools at Oldham, and I can assure the hon. and learned Gentleman the Member for Mayo (Mr. O'Connor Power) that the remonstrances of the managers have had my careful consideration. The St. Mary's Roman Catholic School supplies the requirements, not only of its immediate neighbourhood, but of numbers of Roman Catholic children resident elsewhere. Of two schools quoted in the manager's letter, one provides no infant accommodation whatever, and the premises of the other are not such as can be recognized as efficient. Without reckoning these schools, there is an undoubted deficiency, and both Her Majesty's Inspector and the Board consider that a school is urgently required in this district.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PATRICK SLATTERY.

Mr. O'DONNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, If the attention of His Excellency has been directed to the case of Patrick Slattery, who has been in prison since the 25th of July last year, on suspicion of being concerned in an unlawful assembly at Bodyke, on the 1st of June preceding; whether Patrick Slattery is the witness who, at the investigation into the death of John Moloney at Bodyke, on the said 1st of June, identified a sub-constable named O'Grady as having struck the deceased man two blows on the head with the butt end of his rifle; whether the arrest of Patrick Slattery did not take place until after his evidence against the sub-constable; whether Patrick Slattery is an American citizen, and whether he was offered his liberty on the 24th of April last on condition of his at once leaving the Country and returning to the United States; and, whether any sufficient reason exists for his continued detention in prison on any charge?

Mr. TREVELYAN: Sir, the offence for which Patrick Slattery was arrested was that of being reasonably suspected of riot, and shooting with intent to murder. The riot, which took place on the 1st of June, was a most serious one; the police were fired on, and the County Inspector's horse was shot. The circumstances otherwise are as detailed in the Question. He is a naturalized American citizen, and has been offered his release upon condition of his leaving Ireland and returning at once to America; but that condition has been objected to, and His Excellency cannot at present permit him to be at large in Ireland.

Mr. O'DONNELL said, he still wished to know if it was not a fact that Slattery's arrest did not take place until after he had identified a constable as having struck a man, who died, twice with the butt end of his gun?

Mr. TREVELYAN, in reply, said, that he had already answered the Question. Patrick Slattery was arrested because he was reasonably suspected of being a principal in a most dangerous riot.

Mr. O'DONNELL gave Notice of his intention of asking the right hon. Gentleman the Chief Secretary to the Lord Lieutenant whether he was not arrested at the instance and upon the identification of the colleagues of the policeman?

LAND LAW (IRELAND) ACT, 1881, SECTION 21—"SULLIVAN *v.* BOWEN."

Mr. HEALY asked the First Lord of the Treasury, Whether his attention has been called to the case of Sullivan v. Bowen, lately decided by Her Majesty's Court of Appeal in Ireland, in which that tribunal decided (reversing the judgment of the Irish Land Commission) that a tenant's application under the 21st section of the Irish Land Act, to break a lease forced on him by threat of eviction should be dismissed on the ground that, at the date when the lease was forced on the tenant, the notice to quit served on him as a preliminary to eviction had expired, and thus determined the yearly tenancy under which he had previously held, and that, therefore, one of the elements necessary for the success of a lease-breaking application, viz. the existence of a yearly tenancy at the date of the acceptance of the lease, did not exist in the case; whether, having regard to this further evidence of the failure of section 21 of the Land Act, he can state the intentions of the Government as regards the amendment of this section; and, whether he will have any objection to the granting of a Return setting forth the number of lease-breaking cases actually adjudicated upon by the Land Commission, the result of each case, and as regards cases in which the tenant's application was dismissed, showing in each case which of the three elements necessary for the success of such an application under the section as it stands, viz.: (a) existence of a yearly tenancy at date when lease was accepted; (b) threat of eviction or undue influence by landlord; and (c) existence in lease of unreasonable terms, was wanting, so as to cause the dismissal of the application?

Mr. TREVELYAN: Sir, as I have obtained a Report from the Land Commissioners dealing with the matters of fact referred to in this Question, I may, perhaps, be permitted to answer it. With regard to the first paragraph of the Question, it is the case that a judgment of the Irish Land Commissioners was reversed by Her Majesty's Court of Appeal in Ireland as detailed by the hon. Member for Wexford (Mr. Healy). With regard to the final paragraph of the Question, the Return could not be given. If it were granted, it would impose on the Judicial Commissioner the necessity for perusing the notes in every one of the 600 or 700 cases which have been heard. The duties which he has to discharge render his doing so a physical impossibility. I will, however, look into the question further, and see if the Return can be given in a somewhat different form. The second paragraph of the Question deals with a matter of policy, upon which I cannot give the hon. Member any information.

MR. HEALY having subsequently repeated the Question, and addressed it again to the Prime Minister,

MR. GLADSTONE: Yes, Sir. Probably I failed to make myself understood on a former day; but I may now state that the question of the Lease Clauses was one of those I had in view, when I said that, at a certain time, the Government would think it right to state their intentions with respect to various points of importance connected with the Land Act. These points are the Purchase Clauses, the Lease Clauses, and the Clauses with respect to Labourers. I do not, however, think it would be of any advantage to make a statement on the subject, until we see our way to the conclusion of the proceedings connected with the two Bills now before the House —namely, the Prevention of Crime Bill and the Bill dealing with Arrears of Rent.

LORD JOHN MANNERS: Will the right hon. Gentleman say whether he will include emigration?

MR. GLADSTONE: No, Sir; I am not in a position to say whether the Government will make any statement with regard to emigration.

EVICTIONS (IRELAND)—DEATH FROM EXPOSURE AT AN EVICTION AT RHODE, KING'S COUNTY.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that the police, at Rhode, King's County, recently prevented by threats the erection of a hut, provided by the Ladies' Land League to shelter the family of an evicted labourer named Kavanagh; whether, in consequence of the conduct of the police, Kavanagh, his wife, and his children, who, as notified to the police, were ill of measles, had to avail themselves of the shelter of a shed or stable without door, window, or chimney, and have lived there for the last fortnight; whether the result has been that exposure has caused the death of one of the children, and that another is now lying at the point of death; whether the coroner of Queen's County, in accordance with the Law, issued his precept to the police directing them to provide a jury to inquire into the death of the child, and giving them twenty-eight hours' notice for the purpose; whether the police disregarded the precept, and failed to provide the jury, in consequence of which no inquest has yet been held; and, whether the Executive will take notice of the conduct of the police, and institute further action in the matter?

MR. TREVELYAN, in reply, said, he had just received a voluminous telegram from Ireland in relation to the matter, and he was anxious to look over it carefully, as it touched the conduct of several Government officials. He would answer the hon. Member to-morrow.

MR. SEXTON said, he would repeat the Question to-morrow.

THE ROYAL IRISH CONSTABULARY—VOTE OF COMPENSATION.

MR. O'DONNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, If a proportionate share of the moneys voted by Parliament to the Royal Irish Constabulary in compensation for loss and hardship in connection with special service since the year 1879, will be paid to those members of the force who served during the years 1879 and 1880, but who happened to have left the force previous to the introduction of the Compensation Vote in Parliament; and, whether it is not the fact that many members of the force who had to retire from various causes since January 1881 suffered severe pecuniary loss and injury to health in connection with the exceptional service in the years 1879 and 1880?

MR. TREVELYAN: Sir, the grant of £180,000 referred to will be confined to members of the Force who were serving in the Force on the 24th of April last. It is probably the fact that many members of the Force who had retired prior to that date did suffer pecuniary loss and injury to health; but their cases have been disposed of when they retired on pension or gratuity, and cannot now be re-opened.

PARLIAMENT—RULES OF DEBATE—QUESTIONS—RELEASE OF PERSONS DETAINED UNDER THE PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881.

Sir HERBERT MAXWELL, in whose name the following Notice appeared on the Paper:—

"To ask the Chief Secretary to the Lord Lieutenant of Ireland, whether he has any information as to the movements, since their release, of those suspected of crimes of violence, which would show whether they had or had not gone to reside in those neighbourhoods in which murders have been committed since their release;"

said, that before he put his Question he wished to ask the Speaker's direction on a point of Order. That Question had undergone very severe expurgation at the Table. As originally handed in by him, it was in these terms. He proposed to ask the Chief Secretary to the Lord Lieutenant, How he reconciled the release from prison of John Ryan and Michael M'Sweeney, who had been arrested on suspicion of murder, with the assurance which he had given on the 8th of May that none of the "suspects" who had been charged with murder would be released? The point he desired to submit to the Speaker was, how an hon. Member was to proceed when he wished for information on a Question, an answer in reference to which given by the Representative of a Department in the House was at variance with a statement in the printed Papers published by that Department?

Mr. TREVELYAN, in reply, said, he thought the course taken by the hon. Baronet opposite (Sir Herbert Maxwell) was rather an unfair one. The first form in which he (Mr. Trevelyan) had seen the Question was the form in which it appeared on the Paper. He thought the usual course in a case of the kind was first to inquire privately whether there was any alteration in the Question. ["No, no!"] He had not been a party to any alteration of the Question.

Mr. SPEAKER said, that the right hon. Gentleman was not bound to answer any Question other than that on the Paper, unless he desired so to do. With regard to the point of Order, no doubt certain expressions might, and had been struck out of the Question by the Clerk at the Table, because they involved matter of controversy and might cause debate. If anything was imported into a Question which necessarily must lead to debate, or involved such debate, that part of the Question was properly struck out. He apprehended the hon. Member had been informed of it.

Sir HERBERT MAXWELL: No, Sir.

Mr. SPEAKER: The hon. Member should have been informed of it.

Mr. ARTHUR O'CONNOR asked whether it would not be desirable to make an arrangement for some information to be given to hon. Members where they inadvertently and unwittingly offended against this unwritten law as regarded putting down Questions?

Mr. A. J. BALFOUR asked whether there was any appeal from the decision of the Clerk at the Table?

Mr. SPEAKER said, there was an appeal, no doubt, to the Chair.

Sir HERBERT MAXWELL: Perhaps I may be allowed to say, in explanation to the right hon. Gentleman opposite, that I gave public Notice on Thursday last of the Question, in the terms in which I put it on the Table. I would now ask, whether I would be in Order, on a future occasion, in asking the right hon. Gentleman, if he adheres to the statement made in answer to a Question by the right hon. and learned Gentleman the late Attorney General for Ireland (Mr. Gibson), that no men charged with murder were released during the month of May, in face of the fact that John Ryan and Michael M'Sweeney were so released?

Mr. SPEAKER: The hon. Baronet puts a Question to me on a matter which has not yet arisen. I am bound to say that I can assure the hon. Baronet and the House that I have quite enough to do to answer Questions upon points of Order when they arise; and now the hon. Baronet puts to me a hypothetical Question, which I must decline to answer.

Mr. TREVELYAN: Sir, I was not aware that the hon. Baronet had given me Notice. I have felt rather keenly the reflection implied by the Question of the hon. Baronet, as I always try to be accurate in answering Questions, and more so, as regards this one, as it is a somewhat serious one. With regard to the Question on the Paper, if I may assume that it is confined to the case of prisoners released by the present Lord

Lieutenant since he assumed Office, my answer is simply that the murder of Mr. Bourke in the Gort district, County Galway, is the only murder that has taken place since His Excellency released any prisoner, and that no prisoner from that district suspected of a crime of violence has been released.

NAVY—THE MEDITERRANEAN SQUADRON.

Sir JOHN HAY asked the Secretary to the Admiralty, Why the Mediterranean Squadron off Alexandria is not strengthened by such armour-clads as the "Audacious," "Defence," "Penelope," and "Resistance," whose draught of water will permit them to enter that harbour, in addition to or in place of the "Alexandra," "Inflexible," "Superb," and "Téméraire," which draw too much water to leave it with certainty or safety?

Mr. CAMPBELL-BANNERMAN: Sir, I regret that I can make no other answer to the Question of my right hon. and gallant Friend (Sir John Hay) than this—that the Admiralty are taking the steps which they consider best for the disposition of Her Majesty's Naval Forces in the Mediterranean, including Alexandria, and I must ask the House to allow me to decline entering into any particulars on the subject.

NAVY—ENGINEER STUDENTS—H.M.S "MARLBOROUGH."

Mr. GORST asked the Secretary to the Admiralty, Whether his attention has been called to the death of Robert Mills, an engineer student on board H.M.S. "Marlborough," at Portsmouth, from the results of a severe chill caught in the execution of his duty; and, whether it is intended to attach a medical officer to the "Marlborough," or to make any improved arrangement for the supervision of the health of the engineer students?

Mr. CAMPBELL-BANNERMAN: Sir, I regret to say that it is the case that Mr. Robert Mills, engineer student on board the *Marlborough*, died on the 24th of May, from acute and rapid congestion of the lungs, the result of a chill sustained on duty in the *Sultan* on the 22nd of May. Until the morning of the 24th, although showing some symptoms of illness, he had been going about as usual. He was then seen by a medical officer, who placed him on the sick list, although the illness was not believed to be serious. In the evening he became worse, and, notwithstanding all that the doctor in attendance could do, rapidly succumbed to the disease. As the death was unusually sudden, an inquest was held, and the facts were fully investigated, with the result that the jury expressed an opinion that he had received all possible care. It was with great regret that the Admiralty learnt the melancholy and premature termination of this young student's career; but they do not see in the facts of the case any reason for attaching a special medical officer to the *Marlborough*, the duty being efficiently performed by one of the medical officers of the *Asia*, and the medical officers of the Yard.

ARMY—LIEUTENANTS OF ARTILLERY.

Mr. STANLEY LEIGHTON asked the Secretary of State for War, Why the increase of pay to lieutenants after joining their regiments is postponed in the case of the Artillery till after a period of three years' service, whereas a similar increase was made to lieutenants of the Line after a period of two years only; and, whether the Government will consider the expediency of placing the Artillery in this respect on a footing of equal advantage with the Line?

Mr. CHILDERS: Sir, the reason is that before the 1st of July, 1881, a second lieutenant of the Line was entitled to his increase of pay after three years' service, or on promotion to the rank of lieutenant; whereas, in the Artillery, there were no second lieutenants, and the increase of pay to lieutenants was due after three years' service. The Warrant abolished second lieutenants, and made the rule for the Line the same as that for the Artillery; but, inasmuch as it was found that, on the average, promotions from second lieutenant to lieutenant took place in about two years, second lieutenants then serving in the Line were exceptionally granted this increase after two years. Lieutenants appointed on and after the 1st of July, 1881, will serve three years before their pay is increased.

ARMY—ORDNANCE ARTIFICERS CORPS.

Mr. BOORD asked the Secretary of State for War, Whether he will state what progress has been made in the formation of the new Corps of Ordnance Artificers, for which a sum of £4,800 is taken, for pay, in this year's Estimates; and, also, the number of men who have qualified, in accordance with the Deputy Adjutant General's Circular, dated the 16th May 1878; the number at present actually enrolled; and when he expects the corps will reach its full intended strength?

Mr. CHILDERS: Sir, in reply to the hon. Member, I have to state that the arrangements made in 1878 for this corps were not entirely successful; indeed, only 12 men volunteered. A different system has now been adopted, and it is expected that the corps will be fully established during the current financial year.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—ARRESTS UNDER THE ACT.

Mr. LEAMY asked the Chief Secretary to the Lord Lieutenant of Ireland, How many persons have been arrested under the Coercion Act of last year up to the fifteenth day of this month?

Mr. TREVELYAN: Sir, 917 persons have been arrested under the Protection of Person and Property Act up to the 15th instant. Of these 23 were arrested a second time.

ARMY—SHOOTING AND DRIVING PRIZES, 1881.

Colonel NOLAN asked the Secretary of State for War, If the shooting and driving prizes for 1881 have been paid to the Artillery; and, if he could manage that, for the future, these prizes should be paid when awarded?

Mr. CHILDERS: Sir, I have inquired into this matter, and I find that there has been this year a delay of an unusual character in issuing these prizes. The Order will appear in a few days, and I have given instructions that the prizes be in future years issued not later than in February.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MICHAEL M'QUEENY.

Viscount FOLKESTONE asked the Chief Secretary to the Lord Lieutenant of Ireland, What was the place of residence of Michael M'Queeny, who was lately confined in Enniskillen Prison on reasonable suspicion of murder, and has lately been released, and what was the name of the person he was reasonably suspected of having murdered; and, if there is any intention of putting M'Queeny upon his trial, according to Law, for the offence of which he was suspected?

Mr. TREVELYAN: Sir, Michael M'Queeny's place of residence is Attygowlas, in the Boyle district, County Roscommon. I must decline to disclose the name of the person he was suspected of having murdered. As to the last paragraph of the Question, I must beg the noble Lord to put it to my right hon. and learned Friend the Attorney General for Ireland.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): I am not aware that any information has been laid before me respecting this case.

IRELAND — THE KILMAINHAM COMPACT—MR. YATES THOMPSON.

Mr. G. W. ELLIOT asked the Chief Secretary to the Lord Lieutenant of Ireland, If Mr. Yates Thompson ever visited Kilmainham Prison during the incarceration of the suspects either in his own or an assumed name; and, if so, was he in any way in communication with the Member for Cork or any of the other suspects, and on what dates? He said it had been his intention to withdraw the Question, as he had been credibly informed that the gentleman referred to had nothing to do with the matter. It was, however, only just and courteous to the gentleman that he (Mr. Elliot) should put the Question to the right hon. Gentleman, in order that he might give it an explicit and official denial, as he (Mr. Elliot) understood he desired to do.

Mr. TREVELYAN: I am obliged to my hon. Friend. It is very handsome of him to accede to my desire. Mr. Yates Thompson is one of the oldest friends I have in the world, and I am anxious to read a few lines from the following letter, which I have received from him, dated June 16:—

> "Dear Trevelyan.—I see in *The Times* that you are to be questioned again this afternoon about my famous visit to Kilmainham. I should be much obliged if you would say in your answer that you have my authority for stating that I have not been in Ireland for the last 18 months, nor had any communication, verbal or otherwise, with any members of the Land League, or the Member for the City of Cork."

PETROLEUM ACT (INDIA), 1881—STANDARD OF FLASHING POINT.

MR. MACFARLANE asked the Secretary of State for India, If he is aware that the Petroleum Act of 1879 for the United Kingdom fixes the flashing point, for safety, at 73 degrees Fahrenheit, and that the same standard was adopted in the Indian Act of 1881; and if he intends to permit so low, or even, as is now proposed, a lower standard for a country where the mean temperature of the year is at least 25 degrees above that of this latitude, and the summer temperature for eight months often exceeded 100 degrees Fahrenheit?

THE MARQUESS OF HARTINGTON: Sir, the standard of the Act of 1881 for the test of petroleum was fixed by the Indian Legislature after full consideration, and with the approval of the Secretary of State. There is not, and has never been, any proposal to permit that standard to be lowered.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—JOHN RYAN.

MR. TOTTENHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can state the place of residence of John Ryan, a suspect, recently confined in Dundalk Gaol on reasonable suspicion of murder; what is the name of the murdered person; and, whether the murder took place in the neighbourhood where Ryan now resides?

MR. TREVELYAN: Sir, John Ryan is reported to me to reside in the townland of Ballykeeran, parish of Leckerrig, barony of Loughrea, county of Galway. Ryan was not confined, as stated in the Question, on reasonable suspicion of murder, but on reasonable suspicion of being accessory to murder. I must decline to give the further information asked for in the Question.

THE ROYAL IRISH CONSTABULARY—CONSTABLE BYRNE.

MR. REDMOND asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether an investigation was recently held in New Ross into charges made against Constable Thomas Byrne; and, whether the finding of the Court of Inquiry was not that Constable Byrne was not guilty; and, if so, whether he will state the reason for his immediate transfer to Monaghan?

MR. TREVELYAN: Yes, Sir; there was such an investigation. The constable was charged with neglect of duty. The Court considered that his fault arose from an error of judgment, and found him "Not Guilty." The Inspector General considered it necessary, for disciplinary and other reasons, to transfer him to another county. He was given his choice between three counties, and has chosen Kildare, to which he has been removed.

PARLIAMENT — BUSINESS OF THE HOUSE—THE GOVERNMENT ANNUITIES BILL.

BARON HENRY DE WORMS asked the Postmaster General, Whether, in view of the great importance to the working classes of the new scheme with reference to Government Annuities and Insurance, which is embodied in the Bill of which he has given notice, and of the serious delay which may arise in bringing the scheme into operation if the consideration of the Bill be much longer postponed, he is able to state whether the Government propose to afford any, and what, facilities for the early discussion of the measure?

MR. FAWCETT, in reply, said, he need scarcely assure the House that he should be very glad if an opportunity could be found for consideration of the Bill. In the existing condition of Business, however, he feared he must look rather to facilities being afforded by private Members than by the Government. At any rate, he felt there would be very little use in asking the Prime Minister to give him a day for the consideration of the Bill, or any special facilities at the present time. He was, however, in some hope that the private Members who had given Notice of opposition to the second reading of the Bill might afford facilities, and he had given private Notice to those hon. Members on Friday that he should make an appeal to them on the subject; and, with the permission of the Speaker, he would ask their indulgence for a single moment while he made that appeal. He based his appeal on this ground—that the Bill affected a great number of people, in bringing facilities before them for obtaining life insurances and obtaining annuities. It was the result of the unanimous recommendation of a Select Committee; but the strongest ground of his appeal to the hon. Members who had to remove their blocking Notices was this —that the important change to be effected by the Bill was the linking of the annuity and the life insurance business with the Post Office Savings Bank. As he understood, that part of the Bill was unanimously accepted. The only point to which objection was taken was simply the limits of insurance and annuities, and he ventured to submit that that might be considered in Committee. One hon. Member who had given Notice of opposition to the Bill had most kindly said he would remove his Notice. He referred to his hon. Friend the Member for Lambeth (Mr. Alderman M'Arthur). He addressed a similar appeal to the hon. Members for Cambridge (Mr. W. Fowler), Wolverhampton (Mr. H. Fowler), and Bridport (Mr. Warton), and could say that if the second reading of the Bill were taken, he should spare no efforts to secure a proper discussion of the points to which they objected when the Bill should reach the Committee stage.

MR. W. FOWLER said, he had no objection to the Bill, so far as it related to the alteration of the machinery of the Savings Bank. His only objection to the Bill was in respect to the limits of insurance—[*Cries of* "Order!"]

MR. SPEAKER: It is only with the indulgence of the House that the hon. Member can speak.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—DETENTION OF PRISONERS UNDER THE ACT.

MR. O'DONNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can quote any provision of "The Protection of Person and Property (Ireland) Act" under which suspects can be retained in prison without regard to their own guilt or innocence, but on account of the alleged state of the districts in which they were originally arrested?

MR. TREVELYAN: Sir, a person reasonably suspected of having committed a crime in a proscribed district may be legally arrested and legally detained under the Act until the 30th of September, 1882. In determining whether the period of arrest can be abridged, the main consideration of the Lord Lieutenant is, whether a release will have a prejudicial effect or otherwise on the state of the district, and its actual state must be a most material ingredient in coming to a determination.

INDIA (BENGAL) — THE DURBUNGHA RAJ.

MR. O'DONNELL asked the Secretary of State for India, Whether, since he stated that Mr. M. Finucane, Bengal Civil Service, "had never been manager of the Durbungha Raj," he has learned that Mr. Finucane appears in the India List for 1880 as assistant magistrate at Durbungha, in the India List for 1881 as "manager of the Durbungha Raj," and in the India List for 1882 as "manager of the Durbungha Raj;" whether he will inquire why the letter of resignation which Mr. Finucane addressed to the Lieutenant Governor of Bengal, Sir Ashley Eden, declining to carry out enhancements of rent on the estates of the Maharajah of Durbungha, cannot now be produced; whether he will inquire if the salary of Mr. Finucane, while attached to the administration of the Durbungha Raj, was 1,500 rupees a month; whether he will inquire if the salary of the relative of Sir Ashley Eden, appointed to the administration of the Durbungha Raj, is 2,000 rupees a month; whether Sir Ashley Eden is now a member of the India Council in London; and, whether he will inform the House the name of the Indian official on whose authority he stated that Mr. Finucane was never manager of the Durbungha Raj?

THE MARQUESS OF HARTINGTON, in reply, said, he had had the facts relating to these appointments before him; and was satisfied that the statements contained in the Question were inaccurate. He had all the particulars of the appointment of this gentleman; but he trusted the House would not consider it necessary for him to go into the details of dates and figures. If the hon. Member thought it worth while to raise the question on any fitting opportunity, he had no doubt he should be able to satisfy him that a former reply he had given the hon. Member on the subject was correct. As he had said before, nothing was known of the letter of resignation, and he could not undertake to make inquiries with regard to a letter of the existence of which he knew nothing. By referring to the Returns the hon. Member would see what the salaries were.

Mr. O'DONNELL said, that he was prepared to accept the challenge of the noble Marquess on the very first opportunity he could give him.

EGYPT—THE POLITICAL CRISIS—BRITISH REFUGEES.

Mr. ONSLOW asked the Secretary to the Admiralty, Whether the refugees on board the ships provided by Her Majesty's Government are to be landed at any place they may select; and, whether, whilst on board, they are to pay for their own living?

Mr. CAMPBELL-BANNERMAN: Sir, we have no doubt that Sir Beauchamp Seymour, in communication with the Consular authorities, is taking all necessary steps, and making the necessary arrangements in this matter; but we have no detailed information on the subject.

Mr. ONSLOW: I wish to ask what are those steps, particularly with regard to payments by refugees?

Mr. CAMPBELL-BANNERMAN: I have already said that Sir Beauchamp Seymour, in communication with the Consular authorities, is the proper person to decide such questions, and although the hon. Member asked the same Question the other day, I cannot conceive that at this moment it would be desirable for us, when Sir Beauchamp Seymour is the responsible person, to trouble him with telegraphic inquiry on such a subject.

Mr. ONSLOW: As this is to a certain extent a financial Question, I shall repeat it to the right hon. Gentleman the Chancellor of the Exchequer on Thursday.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—EDMUND STEWART.

Mr. CORRY asked the Chief Secretary to the Lord Lieutenant of Ireland, If Edmund Stuart, a suspect confined in Clonmel Prison on the ground of shooting and hounding, has been lately released; and, if he is to be put on his trial for the offence with which he was charged?

Mr. TREVELYAN: Sir, Edmund Stewart was released on the 30th of May by order of the Lord Lieutenant. For an answer to the last part of the Question, I must refer the hon. Member to my right hon. and learned Friend the Attorney General for Ireland.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): With respect to the latter part of the Question, I am unable to say whether this person was put upon his trial, because I cannot recollect whether the information was submitted to me or not. Until I have received intelligence respecting that, I cannot give an answer.

PUBLIC WORKS COMMISSIONERS (IRELAND)—LAND IMPROVEMENT LOANS.

Mr. GIBSON asked the Financial Secretary to the Treasury, Whether he will give instructions to the Office of Public Works in Ireland not to press landlords who have not received their rents to pay immediately their instalments due for land improvement in Ireland; and, whether he is aware that that Department is now threatening legal proceedings against several landlords who have not received their rents, in respect of instalments only due last April?

Mr. COURTNEY: Sir, the Board of Works have already been authorized to act in the sense indicated in the Question of the right hon. and learned Gentleman. I have no knowledge of any cases in which legal proceedings have been taken in contravention of this order.

Mr. GIBSON said, he had seen letters threatening legal proceedings within the last few days.

Mr. COURTNEY said, that if the right hon. and learned Gentleman would furnish him with details, he would make inquiries.

Mr. GIBSON said, he should be glad to do so.

Mr. T. P. O'CONNOR asked, whether, in deciding in this matter, account would be taken of those landlords having oppressed their tenants?

[No reply.]

ARMY—INSTRUCTION IN MILITARY TACTICS.

Mr. ANDERSON asked the Secretary of State for War, If the recent experiment in giving Volunteer Captains and Field Officers instruction in Military tactics was a success, what numbers in Scotland and England respectively attended, what proportion passed, and what proportion passed with honours; and, if there is to be another opportunity for those who did not attend, or who failed to pass?

Mr. CHILDERS: Sir, in reply to my hon. Friend, I have to say that the papers of the Volunteer candidates for examination in tactics are only now being received, and as between 600 and 700 officers were examined, it will be some weeks before the results can be known. There will be further periodical opportunities for examination afforded to officers of the Auxiliary Forces.

COOLIES (INDIAN)—EMIGRATION TO LA REUNION.

Mr. R. N. FOWLER asked the Secretary of State for India, Whether Coolie immigration from India to Réunion has been stopped; and, if so, will he state at what date the order of the Indian Government to that effect took effect?

The Marquess of HARTINGTON: Sir, emigration from India to Réunion has not yet been stopped. There is nothing to be added to the reply which I gave to the hon. Member for Kendal (Mr. Cropper) on the 23rd of May.

THE ASSASSINATIONS IN THE PHŒNIX PARK, DUBLIN—WITHDRAWAL OF THE POLICE PATROLS.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, By whose orders the patrols were withdrawn from Phœnix Park on May 6th, and in what way the Government have noticed the conduct of the person responsible?

Mr. TREVELYAN: Sir, there were no police patrols withdrawn from the Phœnix Park on the 6th of May. I have answered the general purport of this Question before, and I am sorry to have to revert to it again.

Mr. HEALY said, he had listened with the greatest care to all the right hon. Gentleman's replies on this subject. His Question, to which he had not yet received a distinct answer, was, Whether there were ever, at any time, police patrols placed in Phœnix Park before the assassinations; whether those police patrols were withdrawn; and, if so, by whose authority they were withdrawn?

Mr. TREVELYAN: This is a matter in which the feelings of others are involved. I thought I had answered it fully before. Practically, the protection was withdrawn at the time my right hon. Friend the Member for Bradford (Mr. W. E. Forster) left Ireland. The effective protection was withdrawn then. I am sorry to have to repeat that which, I think, I indicated in a longer answer.

Mr. O'KELLY: The right hon. Gentleman has not answered the question—Who was responsible?

Mr. DILLON said, the subject was one which excited a good deal of interest in Dublin. It was not a question of general effective protection. But it was generally stated in Dublin that on the morning of that deplorable occurrence the police were removed from the Phœnix Park—that the Park was absolutely stripped of police to an extent previously unknown. What they wanted to know was, who ordered the police on that fatal morning to leave the Park?

Mr. TREVELYAN: I have made a careful inquiry into that point, and such was not the case. The police who were withdrawn were the police for the protection of the late Chief Secretary, while my right hon. Friend (Mr. W. E. Forster) was in Dublin; and, as I explained to the House, my late lamented Predecessor had not sufficient protection taken for his safety. I gave two reasons, which weighed with the Lord Lieutenant in his consideration of this subject.

Mr. PARNELL: May I ask the right hon. Gentleman, whether the late Mr. Burke, late Under Secretary, was also under special protection, and whether his special protection was also withdrawn; and, if so, by whose orders was the special protection withdrawn which had been given to the right hon. Member for Bradford?

MR. TREVELYAN: The late lamented Mr. Burke was under special protection, or what he considered sufficient special protection, at the time of his death. I do not know what word to use; but he had escaped the protection of the police, who walked behind him, by his taking a car. The policeman who ought to have met him was diverted from his duty by a drunken person who came across his path. That drunken person has been traced, and it has been ascertained that he could not have been connected with the persons associated with the murder. Mr. Burke would have had a policeman walking behind him if he had not taken a car at the point he did. When at the Gough Memorial he got off, and joined Lord Frederick Cavendish.

EVICTIONS (IRELAND)—CAPTAIN G. HELY.

MR. MARUM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the action of Captain Gorges Hely, landlord of the townsland of Ballyonskill, in the county of Kilkenny, who, having been paid his rents by the solvent tenantry, in a great measure through the intervention of the local clergy, and upon an understanding that he would forbear as to those unable to meet their engagements, until an Arrears of Rent measure should be passed, has nevertheless, during the past week, proceeded with evictions of those tenantry so unable to pay; whether the Military and Civil Forces have been employed on several occasions at these evictions, although even the Conservative local organ testifies to the peaceable and orderly demeanour of the people of the locality as well as the evicted tenantry under the irritating circumstances of being deprived of their homes and of the crops recently sown in their holdings; and, whether the Government can take any action in the matter?

MR. TREVELYAN: Sir, I have received a telegram from the local Constabulary, stating that Captain Hely did not make any such undertaking as the Question states. On the 7th instant, he evicted nine tenants; but first offered liberal abatements—for example, in one case he offered to take six months' rent where four years' was due. Some of the evicted tenants have now paid, and have re-occupied their holdings. On the requisition of the Sub-Sheriff and Resident Magistrate, military and police protected the Sub-Sheriff and his bailiffs in the service of writ and eviction. The Government does not intend to take any action in the matter.

EGYPT—THE POLITICAL CRISIS.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, If he can state what steps were taken by Sir Beauchamp Seymour, and Her Majesty's ships under his command, last Sunday, for the protection of British life and property at Alexandria; and, whether Her Majesty's Government nourish the belief that the repetition of such steps will be sufficient to preserve British interests in that City in case of the renewal of hostilities?

SIR CHARLES W. DILKE: Sir, the despatch of Sir Beauchamp Seymour, which will answer the first part of the Question, is on its way home. One preliminary despatch was received at the Admiralty this morning. With regard to the second, instructions have been sent, which, we believe, will meet the exigencies of the case. In the opinion of the Admiralty, however, it would not be right for me to state the purport of these instructions. Questions on this subject, strictly speaking, ought to be addressed to the Admiralty.

SIR H. DRUMMOND WOLFF gave Notice that he would repeat his Question to-morrow.

MR. MAC IVER asked the Under Secretary of State for Foreign Affairs, Whether he can, without inconvenience, state what particular object or purpose Her Majesty's Government had in view in ordering the Fleet to Alexandria; and, whether Her Majesty's Government were aware, when ordering the Fleet to Alexandria, that the depth of water on the bar was not such as would allow any other than the smaller vessels to enter the Port?

SIR CHARLES W. DILKE: Sir, the object with which the Fleet was sent to Alexandria was stated by me on the 23rd ultimo. The second part of the Question should more properly be addressed to the Secrerary to the Admiralty; but the replies which have already been given in the House on the subject show that the statement now made is not correct.

Mr. MAC IVER wished to know whether he should be in Order in taking the earliest opportunity of calling attention to the inaccuracy of the replies on this subject of the hon. Baronet? [*Cries of* "Order!"]

Mr. CHAPLIN asked the Under Secretary of State for Foreign Affairs, Whether any communications have been addressed by Her Majesty's Ambassador in Rome to Her Majesty's Government in reference to the speech alleged to have been made in Rome by Signor Mancini on the 12th June, and in which the following passages occur:—

> "The policy of the Government could be summarized thus: To absolutely refuse armed intervention on the part of certain Powers, to favour the meeting of a Conference with a definite object. To affirm the competence of the European Concert to share in the final settlement. . . . . and, if armed intervention should become necessary, to give preference to that of Turkey as the lesser evil of the two. . . . . That the Italian Government were firmly resolved to maintain the agreement that subsisted between them and the Three Powers with whom they had hitherto acted in perfect union. He regarded that union as a happy one for Italy, and he hoped it would bring forth good results;"

and, whether those communications, and any information with regard to the nature of that agreement, will be included in the Papers to be laid upon the Table?

Mr. SALT asked the Under Secretary of State for Foreign Affairs, If the British Representative at Rome has made any communications to Her Majesty's Government respecting the statements of Signor Mancini—

> "The policy of the Government could be summarized thus: To absolutely refuse assent to armed intervention on the part of certain Powers;"

and again,

> "The Italian Government were firmly resolved to maintain the agreement that subsisted between them and the Three Powers with whom they had acted hitherto in perfect union;"

and, if so, whether such communications will be printed with the Papers about to be laid upon the Table relating to Egypt?

Sir CHARLES W. DILKE: Sir, in reply to the Questions of the hon. Member for Mid Lincolnshire (Mr. Chaplin) and the hon. Member for Stafford (Mr. Salt), I must follow the usual course in declining to express any opinion with regard to statements made by the Ministers of foreign countries in foreign Assemblies. I may, however, state that both the hon. Members appear to quote from the same report, which is a very inaccurate one, of Signor Mancini's speech. We have an official report in Italian, of which an English summary will be included in the Papers to be laid before Parliament.

Mr. BOURKE asked the First Lord of the Treasury, Whether, before the proposed Conference takes place, Parliament will be informed what the bases agreed upon are; and, what are the limits within which discussions are to be confined?

Mr. GLADSTONE: Sir, with respect to the limits within which the discussions at the Conference ought to be confined when the Conference meets, they are limits marked out by the Egyptian Question. A great number of other questions have been suggested to be introduced to the Conference; but the condition of Egypt is the limit of discussion at the Conference. With regard to the bases, those bases are no further determined than is shown in the Correspondence of the Governments, and especially that between the Governments of England and France. They have frequently been described in this House as having for their object the maintenance of all established rights in Egypt, with a due regard to the reasonable development of the institutions of that country.

Sir STAFFORD NORTHCOTE: The Question we should be very glad to have answered is this, Whether the limits within which the discussions are to be confined will be the limits of the Egyptian Question proper—that is, the condition of Egypt—or whether they will include any question as to the Suez Canal?

Mr. GLADSTONE: No, Sir; I think the purpose for which the Conference is summoned is undoubtedly limited to the Egyptian Question proper.

Mr. ONSLOW asked the First Lord of the Treasury, If he could state to the House what are the "best means" (as stated in the House on Friday last) which the Government are taking for protecting British subjects in Egypt; and, whether the Government will make a full disclosure of their policy on matters relating to safety of British subjects as the best means of allaying the present exited feeling in that country?

Sir CHARLES W. DILKE: Sir, I can only repeat that very full instructions have been sent to Sir Beauchamp Seymour within the last few days, which will, in the opinion of Her Majesty's Government, fully meet the exigencies of the case. I must also repeat that I believe it is the opinion of the Admiralty, who have sent these instructions, that it would not be proper to state their exact terms to the House just now.

MR. ONSLOW: When were the instructions sent?

SIR CHARLES W. DILKE: The latest instructions to Sir Beauchamp Seymour were sent either on Friday or Saturday. I saw them myself on Saturday.

MR. ASHMEAD-BARTLETT asked the First Lord of the Treasury, Whether he will give an assurance to Parliament that, in the event of a Conference upon Egyptian affairs, Her Majesty's Government will assent to the neutralization of the Suez Canal in time of war?

MR. GLADSTONE: Sir, there is no intention to deal with the question of the neutralization of the Suez Canal. It would be outside the purposes of the Conference.

MR. GOSCHEN said, he was anxious to ask the Under Secretary of State for Foreign Affairs a Question of which he had given him private Notice. It related to the alleged separate action of the Consuls General of Germany and Austria in Egypt. He thought that, in view of that alleged separate action to which the newspaper accounts referred, it would be satisfactory if his hon. Friend could state, What was the attitude of the Governments of those two Consuls General?

SIR CHARLES W. DILKE, in reply, said, his right hon. Friend had given sufficiently long Notice to enable him to answer without breaking through the rules which he had laid down earlier in the evening. The answer would be best put by saying that the German Government yesterday accepted the invitation of England and France to the Conference, and that the Austrian Government accepted that invitation to-day. The Russian Government had previously accepted, and Italy had previously declared that she was ready to go with the other Powers. So that substantially the invitation of England and France had been accepted by all the Powers.

SIR H. DRUMMOND WOLFF: I understood that the Question of the right hon. Gentleman opposite (Mr. Goschen) was, whether Germany and Austria had pressed a Minister on the Khedive without consultation with the other Powers? I think we are entitled to know how far that is true; whether those two Consuls General acted without reference to the other Powers; and, whether in the face of their action, the European Concert is still maintained.

SIR CHARLES W. DILKE: I can give no further answer without Notice. ["Oh, oh!"] I have answered the Question of my right hon. Friend, it being strictly within the rule I laid down. ["No, no!"] Well, my right hon. Friend is of opinion that I have answered it. At any rate, his Question was, Whether, in face of the statements in the newspapers of the separate action of the Austrian and German Consuls General, I would give any information as to the attitude occupied by the Austrian and German Powers in Egypt? and I have stated, in answer, the acceptation of the Conference by those Powers.

MR. ASHMEAD-BARTLETT: I wish to ask the Prime Minister, with reference to the Question I lately asked him, whether the Great Powers have assented to the exclusion of the question of the neutralization of the Suez Canal in time of war from the subjects to be considered at the Conference?

MR. GLADSTONE: Sir, so far as the limited purpose of the Conference has entered into the preliminary declarations of the Great Powers, we believe it to be, and I think I may say we know it to be, undoubtedly as far as any positive evidence has gone, decided by all those Powers that the operation and the action of the Conference should be confined to the Egyptian Question, within the limits just now described by the right hon. Baronet (Sir Stafford Northcote).

EGYPT AND ITALY—CESSION OF ASSAB BAY.

BARON HENRY DE WORMS asked the First Lord of the Treasury, With reference to the Green Book issued by the Italian Government on the 12th instant, from which it appears that, on the 16th September last, the British Embassy in Rome communicated a Despatch from Lord Granville proposing a Convention, to be negotiated under the auspices of England, of which the first Clause contained the formal recognition by Egypt and Turkey of Italy's Sovereignty over Assab Bay, and to the Bill introduced in the Italian Parliament on the same day by Signor Mancini, declaring Assab to be an Italian Colony, making it a free port, and giving the Italian Government the right of making concessions of land and concluding treaties with the neighbouring rulers; and, whether Her Majesty's Government regards Assab Bay as now belonging to Italy or to Egypt?

SIR CHARLES W. DILKE: Sir, the Papers about to be laid on the Table will show the view taken by Her Majsety's Government of this question. We have endeavoured to promote an agreement which would be advantageous to all parties; but it has not yet been accepted by the Egyptian Government.

BARON HENRY DE WORMS asked the hon. Baronet to answer the last part of the Question. Did Assab Bay belong to Italy or Egypt?

SIR CHARLES W. DILKE: The Italian flag was hoisted in Assab Bay, as I have already frequently stated, in the month of January, 1880, by an Italian frigate and an Italian corvette. There has been no transfer of Sovereignty at Assab Bay, and the view Her Majesty's Government take of the present condition of affairs can only really be judged by reading the Papers.

THE ROYAL MINT——PROFIT ON THE COINAGE OF SILVER.

MR. WILLIAMSON asked Mr. Chancellor of the Exchequor, in view of the very large profit made by the Mint on the coinage of silver during 1881, amounting to £166,823 (after charging £46,000 to the account for loss on old silver coins), Whether he would keep the exceptionally large net gain from the Mint for 1881 in a "Suspense Account," excluding it and subsequent gains from the credit side of the National Finance Accounts until the Government has had time to consider what may fairly be done with these Mintage gains to meet, either wholly or partially, heavy impending losses to the community through the abrasion and deterioration of our gold currency?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GLADSTONE): Sir, I may say it is not a matter at the discretion of the Chancellor of the Exchequer, or the Treasury, it being provided by the existing Act of Parliament, under which the whole of the expenses of the coinage at the Mint are defrayed from the Consolidated Fund, that the receipts also shall be paid in full into the Exchequer, and carried to the credit of the Consolidated Fund.

LAW AND POLICE—SEIZURE OF ARMS IN CLERKENWELL.

LORD EUSTACE CECIL said, that on account of a leading article in *The Times* of to-day, reflecting on the conduct of the Department over which he had the honour to preside for some years, and containing statements which were entirely of a misleading character, he begged to ask the Secretary of State for War some Questions, of which had given him private Notice. The statement in *The Times* was—

> "When we remember that in 1879 some 200,000 rifles were sold by the War Office, and, in spite of the protest of the then Irish Secretary, were allowed to find their way into Ireland, and that these very weapons are now in the hands of the miscreant bodies with which Ireland swarms, we may well doubt whether one landlord the less will be shot, or one official the less be struck down, in consequence of Saturday's seizure."

He wished to ask the right hon. Gentleman—First, Whether any arms at all were sold by the War Office in 1879; secondly, whether any sale of arms had taken place since the protest of the Irish Government was received at the War Office in July, 1879; and thirdly, with reference to the seizure of Saturday, whether he could state if the arms seized at Clerkenwell were manufactured by or for the Government?

MR. CHILDERS: Sir, in reply to the noble Lord, I have to state that his two first Questions have been already answered, I think, satisfactorily; but, in order to relieve his mind, I will answer them again. No arms were sold by the War Office in 1879, and no arms have been sold since the objection made by the Irish Government in that year. The arms seized at Clerkenwell are in course of examination this day; but I have heard a few minutes ago, that none of them were manufactured either by or for the Government.

MR. MITCHELL HENRY said, that in consequence of the Question of the noble Lord (Lord Eustace Cecil), and the answer given by the Secretary of State for War as to the sale of arms, he should ask, Why the Irish Government remonstrated in July 1879, respecting the sale of arms, if no arms had been sold; and, whether it was not the fact that a very unadvised and a very large sale of arms took place in 1879, under the auspices of the Conservative Government?

MR. J. LOWTHER: Sir, the hon. Member for Galway (Mr. Mitchell Henry) makes a reference to the remonstrance addressed by the Irish Government to the War Office in 1879. I may say at once, without taking any further notice of the subject, that I did make a remonstrance against the sale by a private individual in Sheffield of some arms which bore the Government mark, and which had been previously in the possession of the military authorities. That was what the protest referred to.

SIR R. ASSHETON CROSS said, he wished to ask the Secretary of State for the Home Department, Whether he can give any further information about the seizure of arms; and as there is considerable anxiety among the public as to the fact that only one person has been apprehended, whether he can explain how it came to pass that the police were unable to apprehend other persons concerned?

SIR WILLIAM HARCOURT: Substantially, I may say that the accounts in the newspapers are correct. A very large number of rifles and a great quantity of ammunition and revolvers were seized by the police. I do not, however, think it would be desirable that I should at present make any further statement on the subject. The person who was admittedly in custody of these arms was arrested; and what further information can be obtained with reference to those with whom he was connected I do not think it would be wise to communicate.

PARLIAMENT — PUBLIC BUSINESS — ARREARS OF RENT (IRELAND) BILL.

SIR STAFFORD NORTHCOTE asked the Prime Minister, Whether it was his intention to proceed to-morrow with the Motion in reference to the Arrears of Rent (Ireland) Bill, of which he had given Notice; and, if so, whether he would give an explanation as regards the general Business.

MR. GLADSTONE: Sir, it was in consequence of noticing a remark made by the right hon. Gentleman, and likewise an observation of the hon. Member for Mid Lincolnshire (Mr. Chaplin), that I postponed until to-morrow the Notice that I had given in the House; but I will, to-morrow, in making that Motion, state, as far as the actual condition of circumstances permits, what views the Government have in regard to the Business of the House. I shall only be able to do it in a form somewhat general to-morrow; but it will undoubtedly be made in a form more specific when we have made further progress.

MR. HEALY asked the Prime Minister, Whether he intended to make his statement at a Morning Sitting, or at 4 o'clock.

MR. GLADSTONE answered, at a Morning Sitting.

POST OFFICE — THE LETTER CARRIERS.

MR. SCHREIBER asked the Financial Secretary to the Treasury, Whether it is true that the proposals made by the Postmaster General to the Treasury for increasing the pay of the letter carriers have been rejected, but that the right hon. Gentleman is still pressing for an equitable settlement of the question; and, if not, what delays the announcement of a decision so often promised and so anxiously expected?

MR. COURTNEY: Sir, the statement quoted by the hon. Member is inaccurate. The proposals which have been made and discussed included many details. Most of these have been settled; one or two are still pending, but an early decision may be looked for.

EGYPT—SIR EDWARD MALET, CONSUL GENERAL.

MR. CHAPLIN: I wish to ask the Under Secretary of State for Foreign Affairs a Question, of which I have not given him Notice, but the propriety of answering which he will probably admit. It is, Whether the rumour, rather widely circulated yesterday, that Sir Edward Malat is seriously ill at Alexandria is correct?

SIR CHARLES W. DILKE: I am happy to say, Sir, that Sir Edward Malet is not seriously ill. He has a mild attack of fever, which will probably incapacitate him for work for about a week.

ORDERS OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[Bill 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 16th June.*]

[FOURTEENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART III.

General Powers.

Clause 9 (Arrest of strangers found under suspicious circumstances).

Dr. COMMINS said, there was a slight verbal error in the Amendment which stood upon the Paper in his name. It should read in this way—"In page 4, line 36, after the word 'if,' insert "at any time after one hour later than sunset and earlier than one hour before sunrise.'" The clause under discussion gave power to any constable to arrest any stranger under suspicious circumstances in a proclaimed district, and bring him before a Justice of the Peace. He (Dr. Commins) thought the clause was too wide and might be very considerably abused, and he saw no reason why the powers given in the clause should be any more extensive than those which were given in the 8th clause as to the arrest of persons found at night under suspicious circumstances. By the present clause, the power proposed to be given was likely to give rise to a great deal of vexation, annoyance, and trouble, particularly during the summer months. They all knew that Ireland was very much resorted to by tourists in the summer months.

Mr. MITCHELL HENRY: That used to be the case, but it is not so now.

Dr. COMMINS said, he had no doubt that tourists would be well able to take care of themselves; but the police-constables, under this clause, might render it almost practically impossible for any person to visit Ireland who was either a tourist or anything else. It would be very inconvenient to require every man to watch the sun, and get indoors immediately after sunset. He thought it would be quite sufficient if power were given to stop persons who might be out of their hotels within the same hours as those specified in Clause 8—namely, one hour later than sunset and an hour before sunrise. There was another reason for restricting the power proposed to be obtained by the Government. Hon. Members were aware that an Exhibition of Irish Industry was to be held in Dublin in the autumn, and it was expected that a large number of people from England, from America, and from other parts of the world would visit that Exhibition. Such persons were not likely to be persons known to the police, and it would be a very great annoyance to subject them to the possibility of arrest as strangers found roaming about under suspicious circumstances. He submitted to the Committee that it would be only a fair and proper restriction to limit the power of arrest to that already described in Clause 8, and he, therefore, proposed his Amendment.

Amendment proposed,

In page 4, line 36, after "if," insert "at any time after one hour later than sunset and earlier than one hour before sunrise."—(*Dr. Commins.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, that in regard to what the hon. and learned Member had said, he (Sir William Harcourt) was disposed to think that the number of tourists who would visit Ireland next autumn would very much depend upon whether this clause were passed or not, and whether they would consider themselves secure from the attentions of the particular class of strangers against which this clause was directed. An innocent tourist going to Killarney was not at all likely to be arrested, and the clause was meant to deal with strangers of a very different description—such, for instance, as strangers with revolvers in all their pockets—and unless there was some power to protect not only tourists, but the people of Ireland, from the visits of such strangers, he did not think it was likely that many tourists would visit the country. The distinction between the 8th and 9th clause had already been pointed out. The 8th clause applied only to the night-time, and the object of that was to prevent it including the inhabitants of the district who might be well-known. The 8th clause gave power to the magistrates as a Court of Summary Jurisdiction to inflict six months' imprisonment. The 9th clause was not intended to apply to the inhabitants of the district at all, and was not *primâ facie* a punishment clause in any respect. The object of the 9th clause was to enable the police to arrest strangers who could not show that they were in a particular place for a lawful object, and it was the very essence of the section that it should apply to the day-time as well as to the night. Otherwise, it would mean nothing at all. It was not proposed to inflict a penalty under the clause; but all that was done was to require a stranger arrested under such circumstances to find security to keep the peace and be of good behaviour for six months, and, in default, he might be committed to prison until he found such security. The Government felt themselves unable to accept the Amendment.

MR. T. D. SULLIVAN said, the Secretary of State for the Home Department had stated that tourists had reason to desire the retention of this clause, rather than its omission from the Bill, implying thereby that they would obtain some sort of security if the clause passed, and that they would be in peril if it did not pass. This was entirely contrary to the well-known character of the Irish people, and the well-known facts of the case. A stranger visiting Ireland was, and had always been, hospitably and well received and was never molested; and, on a recent occasion, testimony to that effect had been borne by an impartial and trustworthy witness—the hon. Member for Leeds (Mr. Herbert Gladstone)—who, having travelled through Ireland at a time of considerable excitement, bore testimony to the fact that strangers were more secure and more safe in that country than they would have been in most parts of England. It was not the people of Ireland that strangers and visitors had to apprehend any trouble from; but if this Bill passed they would have to apprehend trouble, annoyance, and interference from the police. The character of the people of Ireland for hospitality to strangers was proverbial, and was recognized all over the world. A well-known Irish song said that—

> "In the vales of Tipperary the stranger is like
> a king."

And so he was among the people. But if this Bill came into force, instead of being treated like kings, all strangers would be treated as if they were malefactors. His own belief was that if the clause passed it would almost entirely put an end to the visits of strangers. Why should such people subject themselves and their families to the insults they would have to put up with from meddlesome Irish constables, stimulated to zeal by their superiors and by the offer of rewards and other temptations. It had already been pointed out that strangers in the coming summer would have a special reason for visiting Ireland. It had been hoped that there would be a large influx of friendly strangers from England, Scotland, Wales, and America, and from all parts of the world, to the capital of Ireland. The Irish people were now engaged in getting up an Exhibition of Irish Manufactures. They had been often told to cultivate the virtue of self-reliance in their own country, and they were showing by that Exhibition how self-reliant they were; because, with their own resources, they were promoting the Exhibition without obtaining any help from the wealthier classes. Under these circumstances, it had been expected that, at least, upon the opening of the Exhibition there would be a large number of friendly strangers of their own kith and kin from the United States and other parts of America, and from all parts of the British Empire. But how could these people venture to visit the country in the face of this Act? Among the reasons for visiting Ireland during the coming summer was a resolution which had been passed by the Society for the Preservation of the Irish Language, declaring that it was desirable a Congress, under the auspices of the Society, should be held in Dublin in August, where delegates from all parts of Ireland and representatives of the Celtic Societies of these Islands and the Principality of Wales were invited to attend, in order to consider the present position of the Irish language as a vernacular, and how its use and study might be best promoted. But why should an Englishman, or a Scotchman, or Welshman venture to go over to Ireland on such an errand, after the Coercion Act had been passed into law, when any policeman might tell him, if he ventured to assert that such was the object of his mission, that the Force was not to be taken in by such a story as that? Of course, the constable would bring the stranger who visited Ireland under such circumstances before the magistrate, and, therefore, the Act would be calculated to inflict serious pecuniary harm on every class of the Irish people during the coming year. It would be one of the many Acts passed by the Imperial Parliament that tended not only to hurt, injure, and exasperate the Irish people, but also to pauperize them. Every step that could be taken, time after time, had been taken to prevent the development of Irish resources. If in Ireland it was considered desirable to encourage a manufacture or business of any kind, some excuse was immediately made for Parliament to sweep down upon it and strike a death-blow at it. It was for these reasons that he objected to this clause. But it was only one of many injurious clauses. There were others that tended to the suppression of speech and freedom of action. This would hurt the Irish people in another direction; and, personally, he regarded the entire measure as the worst insult that could be placed upon them.

Mr. SYNAN asked the Secretary of State for the Home Department to state what his definition of a stranger was. Was it a stranger to the locality, or a stranger to the country? Was the right hon. and learned Gentleman disposed to accept the Amendment of the hon. Member for the City of Cork (Mr. Parnell)? Really, at the present moment, the Members of the Committee, at all events on that side of the House, were totally at sea as to what the position of a stranger was, and how far the word would go. It was desirable to show whether a stranger within the meaning of the clause was a stranger to the country or a person who was only a stranger to the locality. If such a definition were inserted in the clause, he was of opinion that a great deal of future controversy might be avoided.

Mr. HEALY said, the right hon. and learned Gentleman the Secretary of State for the Home Department, a few moments ago, placed himself in advance of this provision, because he had stated that tourists visiting the locality were not likely to be regarded in the same light as strangers with revolvers upon them. It was a remarkable thing that the right hon. and learned Gentleman was never at a loss for an extravagant illustration. What were the real facts of the case? He had already named one clause as the "Moonlight Clause." Would he call this "The Ladies' Land League Clause?" The Government had already power to give a man three months' imprisonment if he were found with a revolver upon him, and, therefore, they did not want this clause at all. Would the right hon. and learned Gentleman say what kind of stranger it was who was to come under the clause? Personally, he (Mr. Healy) was afraid that the clause would really come under the head of the Ladies' Land League Clause. Some members of the Ladies' Land League sometimes went down to the country for the purpose of helping some evicted tenants to put up a few huts. Would the right hon. and learned Gentleman inform the Committee if this was the class of strangers who would come under the operation of the clause? The Government took power under one clause to arrest people in the night-time. By another clause they took power to expel people both by day and night; and by a further clause they took power to expel persons who were foreigners in the country. He wanted to know who was to live in the country after these provisions were put in force? If a stranger could not be out at night nor in the day-time, who was it that was to be considered safe? This was the result of the beneficent Liberal legislation.

Sir WILLIAM HARCOURT said, that in regard to the term "stranger," he was quite willing to take the definition of the hon. and learned Member for Stockport (Mr. Hopwood), that it should mean a man found in any place who did not usually reside there. That would make it quite clear.

Mr. J. LOWTHER thought the Committee were wandering from the particular Amendment before them. He understood the proposal was confined to prowlers by night, and he thought no greater mistake could be made than to deprive the Executive of the power of arresting prowlers during the day-time as well as at night. He had always considered that a great mistake had been made in 1875 in drawing a distinction between day and night with respect to the right of search for arms; and, in this instance, he thought a great injury would be done if they restricted the right of arresting strangers at all during any portion of the 24 hours.

MR. SEXTON said, he did not think that the Secretary of State for the Home Department had answered the question put to him. The right hon. and learned Gentleman had been asked whether the clause would be applied against the members of the Ladies' Land League if they went down to the country for the purpose of erecting huts for evicted tenants? The right hon. and learned Gentleman had ingeniously avoided answering that question; but he (Mr. Sexton) wished to hear whether ladies could be arrested under the clause or not. The right hon. and learned Gentleman had also omitted to say whether aliens might be arrested under this clause. All they knew was that strangers could be dealt with under it, as well as under the clause preceding. There was, however, a special clause for the arrest of aliens, and he wanted to know whether the word "stranger" was separate from the word "alien," or not?

SIR WILLIAM HARCOURT said, the clause would apply to both strangers and aliens.

MR. SEXTON asked whether the right hon. and learned Gentleman considered the Amendment superfluous? On what ground was it to be supposed that strangers were more likely to commit crimes in the day-time than at night? Figures had been frequently quoted in the course of these debates. The right hon. Gentleman the Chief Secretary to the Lord Lieutenant told them that, in regard to other clauses, the experience gained from the working of the Act of 1870 had proved very valuable; but had he any similar figures to produce in regard to this clause? Had he anything to show that the power of arresting strangers had been useful, that strangers had been arrested in large numbers, and that their arrest had produced any effect upon the crime of the country? If the right hon. Gentleman was able to produce such statistics, they would be most relevant to the present discussion. The object of his hon. and learned Friend the Member for Roscommon (Dr. Commins) was to limit the power of arrest in the same way that it was proposed to limit it in the case of aliens—namely, so that the power of arrest could not be exercised except between dusk and dawn. The Government told them that this was not a punishment clause at all. Perhaps that might be so in the subtle mind of a lawyer, but he (Mr. Sexton) failed to see the distinction. The proposal contained in the clause was that a man should be sent to prison for a month if he failed to give security to keep the peace, and he (Mr. Sexton) thought that would be considered punishment, whatever form the matter might take in the superfine legal mind of the right hon. and learned Gentleman the Secretary of State for the Home Department. If the right hon. and learned Gentleman was sent to gaol for a month under its provisions, would he not consider that some punishment?

MR. CALLAN said, the Secretary of State for the Home Department was prepared to accept the definition of stranger contained in the Amendment of the hon. and learned Member for Stockport (Mr. Hopwood), that a stranger should mean any stranger to the town, village, or place, or not usually residing there; therefore, under the term would come persons who only resided in the neighbourhood a month or so during the year.

THE CHAIRMAN wished to point out that the hon. Member (Mr. Callan) was referring to the next Amendment, which was not under consideration at the present moment. The present question was, whether the words "at any time after one hour later than sunset and earlier than one hour before sunrise" should be inserted.

MR. CALLAN said, he simply wanted to point out how indefinite the designation would be, and how necessary it was to limit the power of arrest to one hour later than sunset and one hour earlier than sunrise. He did not think it was possible to argue the necessity for inserting the words proposed to be added, except by showing the inconvenience that would result if those words were not added, and, therefore, in consequence of this proposal, he wished to know what constituted a stranger? Was he a person usually residing in a district, because, if so, the Secretary of State for the Home Department had intimated that he was prepared to exempt him? They had heard a good deal, on the Sunday Closing Bills for England and Ireland, of the difficulty of defining a *boná fide* traveller. In this case, they wanted a definition of the term "stranger." Was a stranger to be defined as a *boná fide* traveller, three or five miles away from his own home, or would he have a range of, say, 10 miles? They knew that some persons were strangers to other persons when only a mile from their own homes; but, personally, when he was at home, he rarely met a stranger within 20 miles of the place where he resided. What, then, was to be the definition of a stranger? Was it to be a man found five miles from his usual place of residence, or where he was not known? Take this case. A man who had resided all his life in a particular part of Ireland might go into a country village some few miles distant, where he would find a strange policeman who had been brought from a place 100 miles away to the local police station. To that policeman the local resident would be a stranger, although, in reality, it was the policeman who was the stranger; and if he were found under what the policeman considered to be suspicious circumstances, in any of the streets or bye-ways within a mile from his own home, the constable would have power to arrest him. In point of fact, a policeman would have power to arrest a man wherever he found him, if he only said—"You are a stranger to me," notwithstanding the fact that it was the policeman himself who was the stranger in the district. A Sub-Inspector's district in a well-populated part of Ireland generally embraced a radius of from 7 to 10 miles. Was a man who, in the day-time went into the market-town seven miles away from his own residence to be, at the discretion of the police, regarded as a stranger and liable to be arrested? All he asked for was a definition. The term must be defined in some way. Then, again, he should like to have a definition of the term "suspicious circumstances." What were suspicious circumstances? Was a man going to market early in the morning to be defined as a stranger because he was two miles away from his own residence, and was it to be a suspicious circumstance if he happened to have some agricultural produce under his arm? The proposals contained in the clause were, in his opinion, ridiculous, and worthy only of the ingenuity of the Secretary of State for the Home Department and the Law Officers for Ireland. Unless the Government agreed to strictly define what a stranger was, and what were the suspicious circumstances under which he might be arrested, he (Mr. Callan), for one, should certainly vote for the Amendment of his hon. and learned Friend the Member for Roscommon (Dr. Commins).

Mr. MARUM said, the popular sense of the word "stranger," according to *Webster's Dictionary*, was "a person belonging to another town, or estate, or property." There was a second definition—namely, "one unknown." The truth was, that this clause had been taken from the Peace Preservation Act. Both the "Moonlight Clause" and this Vagrant Clause were transferred from the Peace Preservation Act; but the Peace Preservation Act laid it down expressly that the person who was arrested should be examined. There was nothing in this clause in reference to an examination. He thought it was desirable that any person arrested should have facilities for tendering himself for an examination, if he wished, in the same way as under the Peace Preservation Act. He did not mean to say that under this clause a person arrested would have the power; but, under the Statute of Edward III., when persons had been brought up under it, the magistrates had distinctly refused to hear them when they tendered themselves for examination; and he understood that the Law Advisers of the Crown in Ireland had laid it down that any person brought up under such circumstances was not competent to give evidence.

Sir WILLIAM HARCOURT said, he did not differ very much from the hon. Gentleman (Mr. Marum) in the remark he had made, that they had not yet come to the point he was discussing. They were now discussing one single point—namely, whether or not this power was to be taken in reference to strangers in the day-time or at night only. Now, that was a very clear point. The Government could not consent to restrict the clause to acts done only at night-time. It was desirable that these arrests should be made, when necessary, either by day or night. The hon. Member was perfectly correct when he stated that this clause was taken from the Act of 1870, although it was not an exact transcript. The words in the Act of 1870 were—"Any stranger wandering in any district." This clause was a more limited clause than that of the Act of 1870, and he trusted that the Committee would decide it before they entered on any other point.

MR. HEALY said, he thought it would greatly facilitate the discussion if the Secretary of State for the Home Department would make some distinct statement as to the meaning of this particular word "stranger." There was no advantage in saying that this was a milder clause than that contained in the Act of 1870. The Irish Members did not believe that any disqualifying word in an Act of Parliament would be administered mildly. As long as the Government had the power, they would use it; and it was not worth a button to argue that the provision was less stringent than that of the previous Act. He had asked—but had as yet failed to get an answer—whether the clause was to be enforced against members of the Ladies' Land League, who might go down to a particular district to superintend the erection of huts for evicted tenants? That was the point he wished to get at; and they ought to have a clear answer to his question—yes or no. He would remind the right hon. and learned Gentleman that the police had already exercised the powers under the Peace Preservation Act, by arresting ladies in the town of Kilmallock, who were members of the Ladies' Land League.

SIR WILLIAM HARCOURT said, there was no Ladies' Land League Clause in the present Bill; but there was no distinction drawn between the sexes. It had already been decided that there should be no distinction made between one sex and the other; but that if a person was found breaking the law, whether it was a man or a woman, he or she should be arrested. He had already intimated that he proposed to define the words "suspicious circumstances," and the clause would apply to any person, whether man or woman, who was guilty of an offence against the Act. At the same time, to say that this clause was directed against the Ladies' Land League, was not correct.

DR. COMMINS regretted that the Secretary of State for the Home Department had not at all met the difficulties which this Amendment was intended to obviate. If the clause were to be interpreted in a strict sense, then any person whatever, who was not resident in a district or town, would be a stranger; and it came to this, that the clause gave power to the police to arrest any person resident in a locality, provided it happened that he was found in a village that was not his own. He thought that was a power that was likely to be abused in regard to visitors to the country; and it was in the interests of the persons who might go to Ireland in the coming autumn to see the Exhibition, or their friends, that he (Dr. Commins) had proposed this Amendment. The right hon. and learned Gentleman should remember that in England, Scotland, and Wales there were more than 1,500,000 of persons who were either of Irish birth or parentage, and every one of them would be a stranger according to this clause, and liable to be arrested, simply because, if a policeman asked any one of them, "Who are you, and where do you come from?" and the man replied, "My name is Jones, or Smith, and I am here on a visit," the constable might at once retort—"That is a very suspicious circumstance. You are going about here under the name of Jones, or Smith. That is quite enough to justify me in arresting you." A stranger coming from Canada or the United States, or from Bristol, Liverpool, Manchester, or Sheffield, was liable to be arrested, merely because he happened to be a stranger, and was not able to give satisfactory references in the district in which he found himself, or to find sureties to keep the peace. In the name of all that was wonderful, how was a stranger, under such circumstances, to comply with the provisions of the Act, and to satisfy the police constable that he had no evil intent?

THE CHAIRMAN said, the hon. Member must not discuss the whole clause upon this Amendment.

DR. COMMINS said, he did not propose to do so. He was only endeavouring to show that unless some restriction were placed upon the power of arresting strangers, every person who visited Ireland in the autumn would be liable to arrest.

Question put, and *negatived.*

Mr. WARTON suggested that the words "under suspicious circumstances" should be placed after the word "district," instead of occupying their present position in the clause. That was the more necessary, as the Government had intimated their willingness to adopt the definition of the hon. and learned Member for Stockport (Mr. Hopwood), to avoid confusion of language.

Sir WILLIAM HARCOURT thought it would, perhaps, be better that the Amendment of the hon. and learned Member for Stockport (Mr. Hopwood) should be withdrawn, and moved again later on, in the form that would better suit the wording of the clause. As it stood at present, it would create some confusion in the wording of the clause.

Mr. HOPWOOD said, he had discovered that his Amendment would give rise to some verbal difficulty in the clause, and did not intend to press it on that occasion.

Mr. CALLAN said, he had intended to move that the term "stranger" in the clause should be defined to mean "a person not usually resident within a radius of ten miles of the place where he was arrested;" but, considering that too great a distance, he now proposed to alter it to five miles. The clause would then read as follows—

"If a constable finds in a proclaimed district any stranger not usually resident within a radius of five miles therefrom under suspicious circumstances," &c.

His proposal would limit the arbitrary power which the clause vested in policemen. The clause would still enable a policeman to arrest a stranger under suspicious circumstances; but when the person arrested gave proof that he usually resided within five miles of the district, he would be relieved from the necessity of giving bail to the magistrate. He had already endeavoured to get an explanation of the meaning of the term "stranger;" but this had not been forthcoming. The clause provided that any policeman might arrest a person under suspicious circumstances who was a stranger, but it did not say whether this meant a stranger to the district or a stranger to the policeman. Now, it was a fact that policemen in Ireland did not remain in any district for a length of time; they were removable, and were frequently sent to places where they themselves were strangers. Hon. Members would know that it would take months before they became acquainted with the residents in a district. Notwithstanding that, a policeman was to be allowed to arrest any person he did not know, and to bring him before a magistrate, and on the mere statement of the constable that he found the man under a hedge, or sitting in the shade, perhaps, and did not know him, the magistrate would require the individual to give bail for good behaviour, or, in default, would commit him to prison. He (Mr. Callan) wanted that a man should not be required to give bail if he resided within five miles of the district; and this was not at all an unreasonable limit to propose, for it was often the case that people in Ireland had to travel five miles from their homes to chapel. It was clear that some definition of the term stranger must be supplied, and with that object he begged to move the Amendment to which he had referred.

Amendment proposed,

In page 4, line 36, after the word "stranger," to insert the words "not usually resident within a radius of five miles therefrom."—(*Mr. Callan.*)

Question proposed "That those words be there inserted."

Mr. SEXTON said, although this Amendment was an improvement upon the clause, he was inclined to believe that any single-barrelled or absolute definition of the word "stranger" would be unjust. He thought the definition ought to be alternative; it should be either that a person was unknown in the place or town, or that he resided out of it. It was well known that policemen in Ireland were not, as his hon. Friend the Member for Louth (Mr. Callan) had pointed out, allowed to remain in districts where they were born and bred, lest they should be hampered by former associations in the performance of their duties. It was, therefore, absurd to say that a man should be arrested by a policeman because he was a stranger, for he might be less a stranger in the place than the policeman himself. Suppose a person to be unknown in a village or town—to be merely on a visit—but having letters of introduction to persons living there, he asked, could that person be arrested under the clause? He argued that the word "stranger" should be defined to mean a person living beyond a certain radius; but he considered the limit of five miles, as proposed by the hon. Member for Louth, too short, because any man might take a walk of five miles from home in the course of the day, and, certainly, he could not be called a stranger at that distance from the place where he resided. In his (Mr. Sexton's) opinion, the limit should be fixed at a distance beyond that to which the ordinary business of a man might take him; and, as it was quite customary with Irish farmers to travel 20 miles for the purposes of their business, he suggested that that distance should be substituted for that specified in the Amendment of his hon. Friend.

SIR WILLIAM HARCOURT said, he was not in a position to agree to any strict geographical limit of miles, because that would give rise to questions that might be quite inconsistent with the object of the clause. Still, he thought, the point indicated by the hon. Member for Louth (Mr. Callan) ought to be made clear. It was difficult to conceive how a constable who arrested a person could know whether he lived 18 or 20 miles away or not. It was because it would make it clear that the clause meant a stranger to the district and not to the constable, that he had expressed his willingness to accept the Amendment of the hon. and learned Member for Stockport (Mr. Hopwood).

DR. COMMINS thought the difficulty would be obviated by inserting the word "thereto" after "stranger," having reference to the proclaimed district.

SIR WILLIAM HARCOURT said, the effect of that alteration would be too large. A proclaimed district might mean a whole county.

MR. CALLAN said, he named the limit of five miles because it was the well-known radius around almost every police barrack. Moreover, it was the radius in Catholic districts, and also of villages in thickly-populated parts of the country. Every shopkeeper, too, would know the persons usually resident within five miles of the place where he carried on business. He repeated that his proposal in no way interfered with the discretion of the constable in arresting a person whom he found under suspicious circumstances; it was simply intended to prevent a person living within the distance specified, and, perhaps, only taking a walk, or going somewhere on business, being compelled to enter into a bail-bond by the Resident Magistrate.

MR. GIVAN said, it appeared to him that the Amendment of the hon. Member for Louth (Mr. Callan) would only make the clause more stringent, because the presumption, if the Amendment were adopted, would be that every person resident beyond a radius of five miles was a stranger. It did not appear to him necessary to define the word "stranger" at that stage of the Bill, although it might be properly defined when Clause 27 was reached, and then he thought the words of the hon. and learned Member for Stockport (Mr. Hopwood), which the Secretary of State for the Home Department had intimated his intention of adopting, or similar words, would meet the case. Probably the hon. Member for Louth (Mr. Callan), on reconsideration, would withdraw his Amendment.

MR. HEALY said, it would seem necessary to possess the mind of an ordinary supporter of the Government to perceive that an Amendment which excluded from the operation of the clause all persons living within a radius of five miles, rendered the clause more stringent. He (Mr. Healy) thought the Secretary of State for the Home Department had said that a stranger to the district was intended, and not a stranger to the police; yet a constable, if he thought a man a stranger, would be bound to arrest him. It was once a matter of congratulation to a man that he was unknown to the police; but, under the clause, the position was reversed, and any man in Ireland who was unknown to the police would, henceforward, run very considerable risks when he happened to be at even a short distance from home. The Amendment of the hon. and learned Member for Stockport, which the right hon. and learned Gentleman had said he was willing to accept, would still leave this point untouched, and, therefore, it would be in no sense an improvement of the clause. The hon. and learned Member meant to throw the onus of proof upon the person arrested, whereas the practice formerly was to throw it upon the person who made the arrest. Although he (Mr. Healy) himself might be said to be known to the police in some parts of the country, he had not the pleasure of their acquaintance in the district which he represented, nor did he usually reside there. He was, in a sense, a stranger to the town of Wexford; and, therefore, he would be glad to know if, in the event of his going there to address his constituents, he should be liable to arrest under the clause? It appeared to him that unless some better definition were given of the term "stranger," whether or not a man was known in the district, he would be liable to arrest if he was unknown to the police.

Mr. O'SULLIVAN said, the following incident would give the Committee some idea of the way in which constables were likely to make use of this clause. Last week, in his county, the police, without any warrant, arrested and searched three respectable men who happened to have been evicted from their holdings on the estate of Lord Cloncurry. It was very clear that this clause was unnecessary, if the police could now arrest, detain, and search persons, and then set them at liberty without bringing any charge against them. On the other hand, if such conduct was illegal, the right hon. and learned Gentleman should see into it.

Mr. T. D. SULLIVAN thought Irish Members were entitled to ask what was meant by each of the three terms "stranger," "suspicious circumstances," and "district." It seemed to him that the effect of this legislation would be to make Irishmen strangers in their own land. They could not go five or ten miles from home; but under this beautiful specimen of English legislation they were liable to be treated as strangers. Men born and bred in the land of their forefathers were to be circumscribed within the limits of a single district, while military officers sent over to the country were free to go about as they pleased. Such were the blessings of English legislation for Ireland! If they were to be kept within these narrow limits, what was the use of the development of railroads and other appliances for travelling from one part of the country to another? Did the Government propose to revive the custom of ancient times, when walls or boundaries were drawn around cities, and it was said to the people, "Beyond this you shall not go?" He (Mr. Sullivan) had heard that in some parts of England it was customary to welcome a stranger with "a half-brick;" but that was not the case in Ireland. Now, however, a stranger going there would, so to speak, have a policeman thrown at him. He wondered the Government were not ashamed to put such a clause in the Bill.

Mr. HEALY asked the right hon. and learned Gentleman the Secretary of State for the Home Department if he would have any objection to make the appellation of "stranger" applicable to the Lord Lieutenant, the Chief Secretary for Ireland, Colonel Brackenbury, and other English officials in Ireland?

The CHAIRMAN called the hon. Member to Order.

Mr. SEXTON supposed that the object of the clause was to bring into the hands of the Justices of the Peace persons unknown in the district. That being so, would the Secretary of State for the Home Department strike out "stranger," and insert instead thereof "person unknown in the district?" It did not follow that a person was a stranger because he came to a place but seldom.

Sir WILLIAM HARCOURT said, the words of the hon. Member (Mr. Sexton) rather suggested the idea of a person unknown to the constable. That was what the Government did not mean. If a constable were to arrest a person in the day-time, he would naturally ask the people about him whether the man was known to them or not. He thought the Amendment suggested by the hon. Member would rather create difficulty than remove it.

Mr. SEXTON said, he was of the contrary opinion. Further, he took leave to deny that the suggested inquiry on the part of the police would be effectual for the protection of innocent persons. He contended that if a man alleged to be unknown were brought before the magistrates, and charged with being found under suspicious circumstances, he should be entitled to refer to any person in the town who might know him. The object of his proposal was that a man should be able to show that he was not unknown in the place, and not liable to imprisonment; and if the object was to arrest people who were not able to account for their business in a place, the words he suggested offered the most proper means of attaining it.

SIR WILLIAM HARCOURT was understood to say it might be very undesirable to release a person who had been arrested, merely because a single person came forward and said he knew him. There might be cases in which a man might be extremely well known, but whom, nevertheless, it would be very desirable to bring under this clause. It might be notorious that such a person had gone into a particular district for the very purpose of organizing and promoting crime in that district.

MR. O'KELLY said, the right hon. and learned Gentleman seemed to assume that a magistrate had no right to weigh the evidence in cases of arrest under this clause. But if once the case were brought before the magistrate, he would have to weigh the evidence adduced as to the character of the person arrested, and, therefore, there would not be the slightest danger of any defeat of justice in a way that would justify the apprehensions of the right hon.and learned Gentleman

MR. R. POWER suggested that the Secretary of State for the Home Department should agree to the insertion of the words—

> "Any person unknown to such constable and residing outside the petty sessional district in which such person is found."

DR. COMMINS said, as the right hon. and learned Gentleman had always defined the word "stranger" to be "a stranger to the district," he (Dr. Commins) was unable to understand why he should not state this clearly in the clause. Were Irish Members to be always looking for snares in every line of the Act? They were in this position, that the police were all strangers to the district in which they were stationed. It was one of the standing rules of management in the Force, that no policeman was ever left in the district in which he was born and where he knew the people. In Dublin the rule was stronger, because, there, the police were forbidden to hold any intercourse whatever with the people. A policeman might be stationed in a district for years and yet not know the persons who lived within it; and if the constable met one of them on a road, under what he might consider to be suspicious circumstances, he might arrest him. A man, for instance, might go to shelter himself behind a hedge on a sunny day, or he might get into the shade of a sycamore, and the policeman might think that that man was out under suspicious circumstances. The man might be asked his name and address, and, if the policeman did not know him, the result might be that he might be led before a magistrate, perhaps some 10 miles off. It would be extremely difficult to work the clause fairly, unless some limitation were put upon the word "stranger." A stranger to a district was a man who could get no one to say a word for him in the neighbourhood—no one who could say, "I knew his father," or "I knew his grandfather, and I can testify that he lives 20 miles away, and that he has done so for the last 20 years. I can verify his case." The right hon. and learned Gentleman the Secretary of State for the Home Department had told them that a district might be as large as a whole county. Then, what limitation was to be put upon the word "district?" The way proclamations were made was by baronies, and he believed that, as a general rule, proclamations by the Lord Lieutenant of districts in Ireland corresponded very much with the proclamation of what was called a "hundred" in England. A proclamation by baronies would be very inconvenient, through the limitation of the district, because people in Ireland were in the habit of going 15 or 20 miles, and in some cases, he believed, as far as 30 miles, to attend fairs and markets. He would take the case of the great fair of Ballinasloe, in the county which he had the honour to represent. He knew that people came from as far off as 50 miles to attend that fair. They came from Boyle and Elphin, and other places that were even more distant, and Boyle was over 40 miles away. Those people were perfectly well known in Ballinasloe. They had been in the habit of attending the fair there for, perhaps, 20 years, and they would be able to show that they were not strangers. There was scarcely a county in Ireland where similar circumstances did not arise, and, therefore, he submitted, and he pressed it upon the right hon. and learned Gentleman the Secretary of State for the Home Department to consider the suggestion, that a word or two ought to be inserted after the word "stranger," so as to define who it was who were liable to be removed as strangers. The Irish people were not like plenty of people in this country.

They lived for generations—aye, for dozens of generations—in the same neighbourhood; their names were known 40 miles away; and no difficulty would ever arise with regard to the respectable men from the size of the district to which they might belong. He (Dr. Commins) and his Friends only wanted to protect the respectable men. They did not want to protect the class of people whom the right hon. and learned Gentleman sought to catch. Let that class be caught, by all means, and there was plenty of power to do it under the Bill. If men were found with arms upon their persons, or with diguises about them, or if men were found who had been away to America, and who had no business to be about in Ireland, there was power to arrest them and lock them up under the Vagrant Act. If a man who thought of propagating mischief, or who was a member of a secret society, was caught prowling about after nightfall, he could be arrested under the 8th section of the Vagrant Act. It was the mischievous classes that the Irish Members, like the right hon. and learned Gentleman himself, wished to see put under restraint. But there was ample power already to catch and restrain them, and put them out of the way of doing further mischief. All that the Irish Members desired to do was to have the respectable classes protected—the people born and bred in a district, who could account for themselves.

Mr. MARUM pointed out, that if the clause remained as it was, the word "stranger" would bear the same interpretation as in the clauses of the Peace Preservation Act. Dr. Johnson defined the word "stranger" thus:—"A foreigner; one of another country; one unknown; a guest; one not a domestick; one unacquainted; one not admitted to any communication or fellowship." Webster defined it as "one of another town, city, or province," and also as "unknown;" and the Amendment suggested by the hon. and learned Member for Stockport (Mr. Hopwood) would come to the same thing. He (Mr. Marum) did not think there could be much objection to the Amendment of the hon. Member for Sligo (Mr. Sexton), which gave an equivalent for the word "stranger."

The CHAIRMAN reminded the hon. Gentleman that the Amendment under discussion was that of the hon. Member for Louth (Mr. Callan), proposing to insert, after "stranger," the words "not usually resident within a radius of five miles therefrom."

Mr. MARUM: Then, like many other hon. Gentlemen, I was not directing my observations to the correct point.

Mr. HEALY asked whether it would not save a great deal of time simply to provide that a stranger should be conducted across the frontier?

The CHAIRMAN said, the hon. Gentleman must speak to the Amendment before the Committee.

Mr. HEALY said, that the Amendment before the Committee was to the effect that a man must live within five miles of the place where he was found. He wished to put to the right hon. and learned Gentleman the Secretary of State for the Home Department a way whereby the discussion on the clause might be shortened very much. No one could say that sending a man to gaol for 30 days was an adequate punishment for murder; and he would suggest, as a course which would meet the views of his hon. Friend (Mr. Callan), and shorten the discussion very much, that where a man was found in a district where he ought not to be, he should simply be conducted outside that district. The right hon. and learned Gentleman the Secretary of State for the Home Department surely could not claim to sentence such a man to 30 or 40 days' imprisonment.

The CHAIRMAN: The hon. Member is discussing a matter which is quite different from the Amendment before the Committee.

Question put.

The Committee *divided*:—Ayes 32; Noes 72: Majority 40.—(Div. List, No. 151.)

Dr. COMMINS said, the right hon. and learned Gentleman the Secretary of State for the Home Department had, over and over again, declared that by "stranger" he meant "stranger to the district." In order to make that clear, he (Dr. Commins) proposed to insert in line 36, after the word "stranger," the word "thereto."

Amendment proposed, in page 4, line 36, after the word "stranger," to insert the word "thereto."—(*Dr. Commins.*)

Question proposed, "That the word 'thereto' be there inserted."

MR. SEXTON thought the Committee were entitled to have some statement from the right hon. and learned Gentleman the Secretary of State for the Home Department, who had had time to consider whether he would not now, or at some other stage of the Bill, insert the words "person unknown." It was said, for instance, that a person might come forward and testify as to the man arrested, but the discretion of the magistrate remained untouched.

SIR WILLIAM HARCOURT: I have made four or five speeches, all on this very point; and I would appeal to hon. Members to say whether this is a fair way of dealing with the Bill. Here is this word "stranger;" hon. Members opposite have had all this time to consider it, and not one single Amendment has been put down on the Paper in regard to it. There was an Amendment put down by the hon. and learned Member for Stockport (Mr. Hopwood), and that I expressed myself willing to accept. But now, although no other Amendments have been put down upon the Paper — none by hon. Members below the Gangway opposite—we are having Amendment after Amendment proposed, each like the other. What would be the use of my arguing against any one of them? I know that as soon as I had argued against one, and it had been disposed of, another would be proposed, and another, and another. Hon. Members have had weeks to consider this matter; but they have not thought it necessary or desirable to place a single Amendment on the Paper, and the only Amendment that has been put down I have said I am willing to accept. I am, therefore, not prepared to argue the question any more, for I have already stated the reason why I cannot accept such proposals as have been made. I may mention, by the way, that I was astonished to hear one hon. and learned Member say that baronies were proclaimed. I have asked my right hon. and learned Friend the Attorney General for Ireland whether that is the case, and he tells me that a district so small as a barony is never proclaimed.

MR. HEALY said, the barony of Farney had been proclaimed, and so had other baronies. Comments had frequently been made on the recklessness of statement indulged in by the Irish Members; but this was a striking example of recklessness of statement on the other side. The right hon. and learned Gentleman told them that baronies had never been proclaimed. He (Mr. Healy) would challenge the Government to say whether they had not proclaimed baronies in County Monaghan, in Kilkenny, and in Tipperary. And why was the barony of Farney proclaimed in County Monaghan? Why was it picked out from all the rest of the county? Because it was the only Catholic portion of the county. It was quite true that the rule was to proclaim an entire county; but wherever it suited the Government, if they wanted to proclaim a square rod of ground, no question of decency would ever prevent them from doing so. The Government in Ireland were capable of doing anything; but to say that they never proclaimed baronies was most extraordinary. As to the word "thereto," he (Mr. Healy) had been in the House when the right hon. and learned Gentleman the Secretary of State for the Home Department declared himself unable to accept it, because, he said, it would refer to the entire district. But perhaps the right hon. and learned Gentleman was unaware of what the size of a proclaimed district might be. It might fairly be argued that the insertion of the word "thereto" was a proper and reasonable Amendment. Hitherto a man had not been a "stranger" in any part of Ireland. Now he was to be made one, even if he came from the same part of the same district. As to the complaint that no well-considered Amendments had been proposed to the clause by the Irish Members, that was rather refreshing, coming from the Treasury Bench. It was the business of the Government so to draw their Bill that it might not be open to these objections which clustered round the word "stranger," and he thought they ought to look at the matter in a frank and kindly spirit, and not in a spirit of restrictive amendment such as was apparent in the proposal of the hon. and learned Member for Stockport (Mr. Hopwood). As to the question of placing Amendments on the Paper, he would only point out that the right hon. and learned Gentleman the Secretary of State for the Home Department had himself declared that he was disposed to propose an Amendment after the words "suspicious circumstances," and yet that Amendment had not been placed upon the Paper, although the right hon. and learned Gentleman had had the clause in his hands, not for weeks, like the Irish Members, but for months. Now, at the eleventh hour, the right hon. and learned Gentleman proposed to hand in an Amendment which was not on the Paper.

Sir WILLIAM HARCOURT: The hon. Member must have misunderstood me. I said, the other night, that on Report I would try and fortify the words "suspicious circumstances" in the manner I then stated.

Mr. HEALY said, he had understood the right hon. and learned Gentleman to say that it would be done in Committee. He (Mr. Healy) thought that as the Government had no clear definition in their own minds of the word "stranger," they ought to have refrained from drawing up this clause until they had decided upon what a stranger actually was. As, however, they had brought up the clause before they had made up their minds, it was not too much to ask that the word "thereto" should be inserted.

Dr. COMMINS said, the right hon. and learned Gentleman the Secretary of State for the Home Department had expressed his willingness to accept the Amendment of the hon. and learned Member for Stockport (Mr. Hopwood); but, surely, he did not think that that would be accepted as a concession by the Irish Members.

The CHAIRMAN said, the hon. and learned Member must not discuss an Amendment that was not before the Committee. The word "thereto" was now under discussion.

Dr. COMMINS said, the right hon. and learned Gentleman the Secretary of State for the Home Department had himself referred to the Amendment of the hon. and learned Member for Stockport (Mr. Hopwood), and he (Dr. Commins) had only wished to point out, what he would not do now, that that Amendment would only make the provision still worse in the direction which the Irish Members were fighting against. The right hon. and learned Gentleman had been pressed, over and over again, to say what he meant by the word "stranger." Was it a stranger to the policeman, or what? The right hon. and learned Gentleman had said that what was meant by the clause was to give power, not over strangers to the policeman, but over strangers to the district. [Sir William Harcourt: Locality.] He would accept the correction; but the right hon. and learned Gentleman's words were "strangers to the district," and they were repeated three or four times over. The right hon. and learned Gentleman, of course, knew what he himself meant, and the Government knew what they meant, and it came with a very bad grace from them to find fault with the Irish Members for offering them their own interpretation. Under these circumstances, he must press his Amendment to a division.

Mr. HEALY said, the right hon. and learned Gentleman the Secretary of State for the Home Department had a logical mind, and, therefore, knew that the greater included the less. If a man were a stranger to the town or district, he would also be a stranger to the village. The Government were convicted of an absurdity.

Question put.

The Committee *divided*:—Ayes 29; Noes 73: Majority 44.—(Div. List, No. 152.)

Amendment proposed,

In page 4, line 38, after the word "peace," to insert the words "but the constable is not to retain in custody any person who gives reasonable proof of his identity, who names his permanent and temporary address, and who agrees to come when summoned before a justice of the peace, unless the constable makes an affidavit that he feared such person would endeavour to escape."—(*Colonel Nolan.*)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 30; Noes 77: Majority 47.—(Div. List, No. 153.)

Mr. SEXTON said, on behalf of the hon. Member for the City of Cork) Mr. Parnell), he wished to move, in substitution of the words in the 38th line—

"Unless such stranger satisfies the justice that he is in such place for a lawful object,"

the following words:—

"Unless such justice, after enquiry into the circumstances of the case, is satisfied that he is not there for an unlawful purpose."

The object of the Amendment was to remove the onus of proof from the person accused. He (Mr. Sexton) found, on reference to the Act of 1870, that the Justices, for similar purposes, were obliged to admit the evidence of the accused person, and if they believed he was not present for an unlawful purpose, the prisoner was to be discharged. And, again, the right hon. and learned Gentleman the Secretary of State for the Home Department had agreed to the insertion of similar words in the last clause, which had the effect of removing the onus of proof from persons brought before the Court for being found out at night. So far as the propriety of admitting this Amendment was concerned, there was no difference whatever between the last clause and the present, because the former dealt with persons found out at night, and the latter dealt with strangers found under suspicious circumstances, whether by night or day. For these reasons, he thought Irish Members were entitled to claim that a person arrested under this clause should, as in the cases referred to, be relieved from the onus of satisfying the Justice that he had a lawful object in view. The Committee would perceive that although a person residing in the neighbourhood would have little difficulty in proving his innocence, it would be very different in the case of a stranger. He said it was extremely cruel and unjust that a man who was a stranger in a place or district should be suddenly arrested on suspicion, brought before the magistrates, and there compelled to prove his innocence, or find bail, and, in default, go to prison. He hoped the right hon. and learned Gentleman would agree to the substitution of this Amendment in place of the words of the clause, because if there were any ground for the arrest of the stranger, the police could offer such proof of suspicious circumstances as would satisfy the magistrates, and the least they ought to do would be to convey to the minds of the magistrates their sense of the suspicious circumstances which justified the arrest.

Amendment proposed,

In page 4, leave out all the words from "and" in line 38, to "object" in line 39, and insert "unless such justice, after enquiry into the circumstances of the case, is satisfied that he is not there for an unlawful object."—(*Mr. Sexton.*)

Question proposed, "That the words 'unless such stranger' stand part of the Clause."

SIR WILLIAM HARCOURT said, he saw no objection in principle to the words moved by the hon. Member for Sligo (Mr. Sexton), as far as he was able to understand them. But it was unwise, in cases of the kind, to insert words in haste. If the hon. Member would accept his assurance that he admitted the Amendment in principle, he was prepared to consider its bearing on the wording of the clause, and insert words later on which would carry out that principle. That being so, he suggested the withdrawal of the Amendment.

MR. SEXTON said, he would accept the assurance of the right hon. and learned Gentleman, and would ask leave to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

MR. O'KELLY said, the object of the Amendment he was about to propose was not to limit in any way the powers of the clause, or their application. It was intended to constitute some guarantee to the persons who would be arrested under the clause that they should not be proceeded against maliciously for the commission of very slight acts; that, at least, when a police-constable undertook to arrest a man, he would be prepared to give something like satisfactory reasons for making the arrest. Unless the Amendment were accepted, the clause would be liable to large abuse, because it would lead to malicious prosecutions on the part of policemen on bad terms with persons in the neighbourhood. He believed the Amendment would commend itself to the Government, because it did not in any way restrict their power of using the Bill, so far as they might be supposed to use it, for just purposes. The limitation proposed would only affect that application of the Bill that he was sure Her Majesty's Government would not like to see made by the minor officials, who would be prevented in the country districts making the Bill a means of personal tyranny and persecution. That being so, he hoped the right hon. and learned Gentleman the Secretary of State for the Home Department would agree to the Amendment which he now begged to move.

Amendment proposed,

In page 5, line 1, after the word "may," leave out "require him," and insert "on the information on oath and in writing of the constable testifying to the facts which, in his opinion, renders the presence of such stranger in the district suspicious, require such stranger."—(*Mr. O'Kelly.*)

Question proposed, "That the words 'require him' stand part of the Clause."

Sir WILLIAM HARCOURT said, it was not necessary when a constable brought up a man on a charge that he should lay any information on oath or in writing before the magistrate. The hon. Member (Mr. O'Kelly), therefore, asked what was not required by the existing law. He, however, understood from the remarks of the hon. Member that his object was that there should be some record of the information on which the constable acted. The hon. Member would find this provided for in the next sub-section of the clause, which said—

> "The said justice may for good cause discharge a person so committed, and in any case shall forthwith transmit a report of the committal to the Lord Lieutenant, stating the grounds of the committal, the security required, and any explanation given by the prisoner by way of defence. The Lord Lieutenant may order the prisoner to be discharged if it seems just to him so to do."

The account, therefore, of the action taken under this clause would be full and complete as regarded the grounds on which it rested, and, that being so, he thought the object of the hon. Member would be secured.

Mr. GIVAN considered the Amendment ought to be accepted by Her Majesty's Government. The clause empowered a magistrate to inflict a heavy penalty on a stranger found in a district under suspicious circumstances. Now, he thought the provision contained in the sub-section referred to by the right hon. and learned Gentleman the Secretary of State for the Home Department was not a sufficient protection for the purpose in view, because the statement of the grounds of the committal which was required to be forwarded by the Justice to the Lord Lieutenant would be a statement to which no one would be bound on oath. It would be merely taken down by the Clerk of Sessions from the statement made by the constable, and the constable might, at a future time, when confronted with fresh evidence, controvert some portion of it. He thought that no more reasonable Amendment had been put forward in the case of the Bill. It was most desirable that the magistrate should have before him the written information of the constable on oath, which could be afterwards referred to for the purpose of ascertaining clearly, definitely, and incontrovertibly the grounds upon which the decision rested.

Mr. O'KELLY said, that the Bill was exceptional, and, therefore, exceptional precautions were necessary. The reason why they wanted the record was not so much to know why the constable made the charge, as to furnish means of punishing a policeman who, for reasons of personal malice or vengeance, had abused the Act. His Amendment was a precaution against the abuse of the Act, and only amounted to asking for a reasonable guarantee against the unjust application of the extraordinary powers about to be conferred on the local authorities in Ireland. He believed, on reconsideration, the right hon. and learned Gentleman would come to the conclusion that such guarantee was necessary.

Mr. T. P. O'CONNOR did not think the right hon. and learned Gentleman the Secretary of State for the Home Department had quite grasped the argument of the hon. Member for Roscommon (Mr. O'Kelly). The reply of the right hon. and learned Gentleman was perfectly satisfactory so far as the Justice of the Peace was concerned; but nothing at all had been said about the constable, the person who took the initiative in the matter, and who ought certainly to be required to give upon oath the reasons for the arrest.

Mr. BIGGAR thought the Government were unreasonable in not agreeing to the Amendment. There was always a tendency, in cases of arrest of this kind, to carry it out in a very loose fashion, and, therefore, it was important to fix the policeman to a statement of his reasons for the arrest upon oath and in writing. If the clause were fairly administered, he thought no injustice would be incurred under it by perfectly innocent persons; but the statement of a policeman not sworn to and put into writing certainly ought not to be sufficient to send a man to gaol.

Mr. LABOUCHERE hoped the right hon. and learned Gentleman the Secretary of State for the Home Department saw there was a general consensus of opinion in favour of the Amendment, and that he would agree to adopt the words of the hon. Member for Roscommon (Mr. O'Kelly). Under a natural state of things, a person who gave false evidence might be prosecuted; but here there would be no one before the Justices to take down the words, and he would consequently escape. The written statement on oath was intended to be of use if the constable gave false evidence.

MR. M'LAREN thought concessions of the kind asked for by the hon. Member for Roscommon (Mr. O'Kelly) would probably have the effect of facilitating the progress of the Bill. The point of the Amendment was so obvious and important that he was quite at a loss to understand the refusal of the right hon. and learned Gentleman. Some of the Amendments proposed by hon. Members opposite were of so harmless a kind, that it was a matter of surprise to him that they were not more readily accepted by the Government.

SIR WILLIAM HARCOURT said, he could not agree that this was a harmless Amendment, because, if it were carried, it would make the clause unworkable. To authorize a police-constable to arrest a man on suspicion was, no doubt, a strong power to give; but, if it was to be given at all, it was ridiculous to encumber it with conditions that would make it inoperative.

MR. DILLWYN said, nothing more was asked than that the constable should state the grounds of the arrest on oath; and he certainly could not see that the adoption of that Amendment would render the clause ridiculous. On the contrary, he thought it was very desirable that a constable who arrested a man on suspicion should be made to state the grounds of the arrest on oath.

MR. GILL thought the right hon. and learned Gentleman the Secretary of State for the Home Department was in error in saying the adoption of the Amendment would render the clause unworkable. For his own part, he (Mr. Gill) regarded the proposal of the hon. Member for Roscommon (Mr. O'Kelly) as most reasonable. The powers given to the police under the Bill were very great—greater, in his opinion, than should be conferred on them—and they were besides of the character most likely to be abused. If those powers were to be given, he contended that they should be surrounded by such reasonable safeguards for the protection of innocent people as his hon. Friend had suggested. As an instance of the way in which such powers were abused by the police, he would only refer to the fact that constables had been proved to have brought charges, under the Contagious Diseases Acts, against perfectly innocent young women who were not "strangers," but inhabitants of the towns in which the charges were preferred against them. In the face of these facts, he asked, was not this a terrible power which was now proposed to be given to police-constables in Ireland—a power to be used against strangers who had no means of defending themselves? If the police in England used their powers in the way he had described, he supposed that no Member of the House would argue that the police in Ireland could not abuse their powers in a similar manner.

MR. WILLIS pointed out that 4,000,000 people lived in London at the present time under Acts of Parliament which empowered a police-constable to arrest on suspicion in cases of felony, misdemeanour, and breach of the peace. That law, so far as his experience went, had never been abused. There was, then, no reason to suppose that the same power would be abused in Ireland; and, therefore, he said there was no reason for making an alteration of the kind suggested in a measure passed to meet a great emergency.

MR. M'COAN said, since the right hon. and learned Gentleman had admitted that this was an extreme power to give to the police, there was nothing unreasonable in a check of the kind proposed by his hon. Friend (Mr. O'Kelly) being placed on the arbitrary action of the Force. He could not see how the salutary operation of the clause for the preservation of order, or the detection of crime when committed, could be affected by the arresting constable being required to commit himself on oath to a statement of the grounds on which his suspicion rested. Unless some grounds of suspicion were submitted to the magistrate, he would be without any materials for arriving at a decision. He was quite unable to see why the right hon. and learned Gentleman should say that if the Amendment were adopted, the clause might as well be given up. For his own part, he (Mr. M'Coan) thought the Government would be consulting their own interest more by accepting some of the moderate and mild Amendments of Irish Members, than by exasperating them by refusals of every reasonable concession; and he would appeal to the right hon. and learned Gentleman the Attorney General for Ireland to reconsider the view he had taken of the Amendment before the Committee.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) thought the hon. Member who had just spoken (Mr. M'Coan) could not have been in the House when the last Amendment was accepted by the Government, or he would not have made the statement with which he concluded his speech. It seemed to him they had been engaged for a considerable time upon a matter which was not worthy of discussion. As he understood the clause, a man roaming about under suspicious circumstances was to be brought before the magistrate, who would inquire into the case. The magistrate was not to decide upon the statement of the constable alone, but to inquire into the case by the aid of all the evidence he could get. But the Amendment asked that there should be a partial record—and not a complete or perfect record—taken, which should be brought forward again after the magistrates had inquired into all the circumstances of the case.

MR. GIVAN said, the hon. and learned Member for Colchester (Mr. Willis) had stated that the inhabitants of London lived under a law by which a constable might arrest a man on the mere suspicion of crime. That was not the point. The point was that a man might be arrested on the unsworn evidence of a young, green, and irresponsible constable, taken before a magistrate as inexperienced as the policeman, and imprisoned for six months, or bound over to keep the peace, without leaving any record behind sworn. He did not know any law which gave such a power to a policeman or magistrate, and he therefore hoped the Government would agree to the Amendment. If the policeman could say that the man he arrested had been loafing about with, apparently, nothing to do, that fact should be put in the information—there should be a record of it. But do not leave the public in general at the mercy of, it might be, an inexperienced, but, certainly, an irresponsible policeman.

MR. LEAMY said, he was unable to understand the point of the right hon. and learned Gentleman the Attorney General for Ireland in his reply to the hon. Member for Wicklow (Mr. M'Coan). The hon. Member for Wicklow had said the whole thing was ridiculous; but if he had been present when the Amendment of the hon. Member for the City of Cork (Mr. Parnell) was under discussion, he would not have said such a thing. [Mr. M'COAN: I did not say anything of the kind.] He was under a mistake, then. It appeared to him to be the most astonishing thing in the world that the Secretary of State for the Home Department should refuse to accept such an Amendment as this. Frankly, he would say he should have thought the Amendment necessary, and should have thought it impossible, for a moment, to believe that the Government intended that strangers arrested in any part of Ireland should be taken before the magistrates and compelled to enter into recognizances, or sent to gaol in default, without the slightest sworn testimony having been given. He felt convinced that if the Amendment had not been brought forward, and the clause had passed without Amendment, or without discussion on Amendment, no magistrate in Ireland would have thought of compelling a man to enter into recognizances, or of sending him to gaol in default, without sworn evidence. He very much feared, now that the question had been raised, that if the clause were to pass without Amendment, the magistrates would do under the Bill what they would never have thought of doing. He was surprised to see that some hon. Gentlemen saw a similarity between the power possessed by the policeman in England of arresting a man on suspicion, and that which, according to the Secretary of State for the Home Department, was to be claimed by the policeman in Ireland of not only arresting a man on suspicion, but of getting him to enter into his recognizances or being sent to prison. Taking the clause as it stood, he would ask the right hon. and learned Gentleman the Attorney General for Ireland, was it possible that it was the intention of the Government to do this in the case of a stranger without requiring a particle of sworn testimony to be given against him?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, it could not for a moment be contemplated that a case would be decided without sworn evidence. What he had objected to was that it should be laid down in the Bill that only part of the evidence should be sworn. So far as he was aware, there was no other way in which a magistrate could inquire into a case except by hearing sworn evidence.

MR. SEXTON said, they did not ask that part of the evidence only should be sworn and recorded; but they wished to make certain that a particular portion of it should be so treated. If the Committee looked at the clause, they would see that the magistrate must make a report of the committal to the Lord Lieutenant—

> "Stating the grounds of the committal, the security required, and any explanation given by the prisoner by way of defence;"

and, of course, before such a report as that was made, sworn evidence must be given. He did not share the apprehensions of some of his hon. Friends, that the magistrates would send a man to gaol without sworn testimony. A policeman brought a man up under suspicious circumstances—what was the function of the magistrate? It was to take evidence on oath, so that he might form a pretty correct opinion as to whether the man had been in the place or neighbourhood from which he was taken for an unlawful purpose. He took it for granted that in a Court claiming to be a Court of Justice, or a Court of Law, the magistrates would not hear a charge against a man without evidence. What he desired was that the information laid by the police should be placed on record, so that afterwards it might be open to the Representatives of the people to demand the evidence upon which a man had been committed.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, they need not discuss this matter at any length. The Committee would understand that it was proposed in the Amendment, not that evidence should be taken and a record made of it, but that one portion of the evidence only should be recorded. If the hon. Member (Mr. O'Kelly) would look at his own Amendment he would see that it ran thus—

> "On the information on oath and in writing of the constable testifying to the facts which, in his opinion, render the presence of such stranger in the district," &c.

Would the Committee be good enough to put on one side the question of arrest by the constable? When the constable had arrested a person on suspicion, that person would be brought before the magistrates; and they had accepted an Amendment by the hon. Member for the City of Cork (Mr. Parnell), which said that—

> "If such justice, after inquiry into the circumstances of the case, is satisfied he is not there for a lawful purpose."

Every lawyer in the House must agree with him (the Attorney General) that this meant inquiry on oath. He would suggest to hon. Members opposite that their object was to have the evidence as a whole, and that it should be taken down in a manner similar, perhaps, to that in which depositions were now taken. In the absence of his right hon. and learned Friend the Secretary of State for the Home Department, he (the Attorney General) would not say more than that the hon. Member should not move an Amendment dealing with an isolated portion of the evidence, but that it would be much better for him to raise the whole question of the entire evidence being recorded. The hon. Member might move, in page 5, line 10, after "committal," to insert "and the evidence that has been taken," and then they would not only get the statement of the police, but the evidence of all the witnesses.

MR. M'COAN said, that what the hon. and learned Attorney General (Sir Henry James) had just stated as to the character of the inquiry—to use the word embodied in the Amendment of the hon. Member for the City of Cork (Mr. Parnell)—would be unanswerable and conclusive if the inquiry were to take place before London magistrates. But, as a matter of fact, the Committee must bear in mind that, in many of these cases, the magistrate would be a Justice of the Peace in some remote part of Ireland, and that such an individual would probably not view the case with the judicial mind of a London stipendiary. He would not, in fact, feel himself under an obligation to take sworn evidence at all. This was what would happen in the great majority of cases. The constable would meet a stranger, and, sniffing suspicion in the air, he would arrest him under what he—the constable—might choose to consider suspicious circumstances. It might be that all the ground of suspicion attaching to this stranger would be that he had a slouch hat, square-toed boots, and a coat of foreign cut. Well, the policeman arrested this man, and there was no other witness in the case. He took him before a magistrate, and said to his worship—"I saw this person walking under a hedge, and I thought his movements suspicious." That was all the suspicion there might be, and it could hardly be the intention of the Government to allow, say, a lay magistrate, who knew nothing of law, and who would be much more likely to attach weight to the word of a policeman than to that of a stranger, to send any man to prison on such a presumption of guilt. No committal should take place except on sworn evidence duly recorded, and such record should be sent to the Lord Lieutenant. Yet if the clause were allowed to become law as it stood, most magistrates would read the section as an instruction to commit without sworn evidence at all. The Government surely could not mean that this was to be done, because great injustice might be the result.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he entirely agreed with a great deal that the hon. Member (Mr. M'Coan) had said; but the hon. Member wished only to have a record of the policeman's evidence, and the suggestion the Government made was that it would be better to move an Amendment to provide that there should be a record of all the evidence. Why the Irish Members should object to have the other evidence besides that of the policeman, he (Sir Henry James) could not conceive. If the Amendment he suggested were proposed in its proper place, no doubt his right hon. and learned Friend the Secretary of State for the Home Department would discuss it and accept it.

MR. O'KELLY said, that, in view of the explanation of the hon. and learned Gentleman, he would postpone his Amendment.

Amendment, by leave, *withdrawn.*

MR. T. P. O'CONNOR said, he had a small Amendment to propose which was not on the Paper, and he hoped the Government would not have any objection to it. He wished to suggest that after the word "sureties," in line 2, page 5, they should insert the words, "of not more than fifty pounds."

Amendment proposed, in page 5, line 2, after the word "sureties," insert the words "of not more than fifty pounds."—(*Mr. T. P. O'Connor.*)

Question proposed, "That those words be there inserted."

MR. HEALY took it that the object of the Amendment was to prevent a prohibitive recognizance being insisted upon by the magistrate. In Ireland, as most of them knew, there were various types of magistrates. Some of them would be very fair; whilst others, who were entirely in the interest of the landlord class, were inclined to be very severe, especially upon people of the lower grades of society. If they made the amount of the recognizances definite and certain, it would not matter what kind of a man a prisoner was brought before. If they did not fix the recognizances, the prisoner should be allowed some choice; he should be permitted to say what magistrates he should be taken before. The Government had drawn this clause very loosely; and, under it, if the magistrate felt so disposed, he might make the recognizance, say, £1,000,000, which would be absurd on the face of it. He was sure the right hon. and learned Gentleman the Attorney General for Ireland (Mr. W. M. Johnson) could not have been consulted when this clause was drafted, or he would not have given his assent to it.

MR. TREVELYAN said, that he had consulted with his hon. and learned Friend the Attorney General (Sir Henry James) upon the question, and he saw no objection to accepting the Amendment, on the understanding that each of the sureties and the principal himself would be liable for the amount of the recognizances.

MR. T. P. O'CONNOR thought the proposal made by the right hon. and learned Gentleman was a very fair one, and he would incorporate it in his Amendment.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the Amendment would be inserted in the Bill.

MR. T. P. O'CONNOR: Then I suppose I had better withdraw the Amendment.

MR. T. A. DICKSON: Do I understand that the sureties are £50 each?

MR. TREVELYAN: Yes.

Amendment, by leave, *withdrawn.*

MR. BIGGAR said, he begged leave to move, in page 5, after the word "behaviour," to insert the words "while within such district." He thought there ought to be limits to the responsibility of the sureties. It was one of the primary objects of the Government to get rid of what were called "suspicious characters;" in fact, if they left the country, that was all the Government desired. For that reason it was that he moved the Amendment.

Amendment proposed, in page 5, line 2, after the word "behaviour," insert the words "while within such district." —(*Mr. Biggar.*)

Question proposed, "That such words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he was afraid he could not accept the Amendment, because it would only be necessary, in that case, to evade the operation of the clause, for a man to move 50 yards away from the place.

MR. HEALY wished to ask the hon. and learned Gentleman the Attorney General for Ireland whether he would distinguish between being at peace, and being of good behaviour? Under the Statute of Edward III. they bound a man over to be of good behaviour; and he had always believed that if the right hon. and learned Gentleman the Secretary of State for the Home Department had availed himself of the provisions of this Act, in dealing with the Salvation Army, and had endeavoured to bind over the members of that organization to be of good behaviour, instead of endeavouring to get them bound over to keep the peace, he would have been successful in his prosecution. It would enlighten the Committee very much if the hon. and learned Gentleman the Attorney General (Sir Henry James) would explain to them, from the Front Ministerial Bench, the difference between keeping the peace and being of good behaviour———The hon. and learned Gentleman did not answer. Perhaps he could not give them an explanation?

MR. DILLON said, he should like to know, for his own personal information, what being of good behaviour was? It seemed to him to be a very wide expression. Surely it was very hard to ask a man to give substantial bail to be of good behaviour, if they did not give him the faintest idea of what they meant by good behaviour.

MR. BIGGAR did not wish to put the Committee to the trouble of dividing, and, therefore, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

MR. HEALY said, he would move, as an Amendment, after the word "peace," to leave out the words "and to be of good behaviour." He did it with the object of eliciting from the Government, if possible, what a man was to be bound over to do under these words.

THE CHAIRMAN: The Amendment of the hon. Member for Cavan (Mr. Biggar) is withdrawn.

MR. HEALY said, he wished to know from the hon. and learned Gentleman the Attorney General (Sir Henry James) whether a magistrate had power to bind a man over to be of good behaviour?

THE CHAIRMAN: No discussion can take place until we have a question before the Committee.

MR. HEALY said, he had moved an Amendment. He had moved to leave out the words "to be of good behaviour," and he had done so on the ground that he required information as to what the words meant. The Secretary of State for the Home Department, it must be remembered, had distinctly stated that there should be no surplusage in the Bill.

Amendment proposed, in page 5, line 2, after the word "peace," leave out "to be of good behaviour."—(*Mr. Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the hon. Member for Wexford (Mr. Healy) said he did not know the meaning of the phrase "to be of good behaviour," and he (the Attorney General) would not contradict the hon. Gentleman on that point. [*A laugh.*] He did not mean that personally; but he could not believe that the hon. Member did not understand the words. It was an old legal term, which meant something more and wider than keeping the peace. Binding a man over to keep the peace meant binding him over to refrain from acts of violence; but binding a man over to be of good behaviour amounted to binding him over not to commit acts, which might not be acts of violence, but yet which would be likely to set class against class, or to incite to acts which would be a breach of the peace, and which would, therefore, be seditious. The words were continually used.

Mr. HEALY said, he should like to know why the words were not included in the magistrates' commission? Why, should they have one law in Ireland and another in England? Why did he not bind over the "Salvationists" to be of good behaviour? The fact of the matter was, that they dared not do so. Although, under the Statute of Edward III., the Government could bind over every man-jack of the "Salvationists" to be of good behaviour, they had not the courage to invoke that Statute. They dared not do so; there would be such an outcry against it in England. It was only good enough for the mere Irish.

Mr. SEXTON said, that, although his hon. Friend the Member for Wexford (Mr. Healy) had exposed himself to a somewhat sarcastic statement from the hon. and learned Attorney General (Sir Henry James), it was, nevertheless, the fact that the same doubt, which was evidently in the mind of his hon. Friend, was experienced by many people in Ireland. Probably, the hon. and learned Attorney General, therefore, would make the same sarcastic observation with regard to many other people. The ladies who went from Dublin to superintend the building of huts for evicted tenants were held by Mr. Clifford Lloyd to be guilty of bad behaviour, and had been called upon to find sureties to be of good behaviour. Two carpenters from Limerick, who were employed upon the construction of these huts, and who were earning 4*s.* a-day at their trade, were also declared by Mr. Clifford Lloyd to be of bad behaviour; and so, in the case of various acts, in themselves most innocent, done in differents parts of the country, the magistrates had held that the people committing them had been of bad behaviour, simply because it was believed that their operations interfered with the interests of the land-owning class of Ireland. Unless some definition of these words were given, to limit the power to be conferred under the clause, the Amendment must certainly be pressed further.

Mr. DILLON said, he hoped the Government would make some concession on this point, because, really, the more they examined into the clause, the more clearly would they see its insidiousness. What did it amount to? They had a whole system of offences marked out against a man in this Act. They bound him down so that he could hardly do anything; but, for fear that he might just be able to do one or two little things, they brought forward this clause, under the pretext that it was to be a protection against a man who came into a district for the purpose of committing murder or manslaughter, treason or treason-felony, attempts to kill, aggravated crimes of violence against the person, arson, whether by Common Law or by Statute, or attacks on dwelling-houses. If the clause were to be used only against persons who came into a district for the purpose of committing these offences, he (Mr. Dillon) and his Friends should not oppose it; but it might be used for an entirely different purpose, and the statements they had heard from the Government as who was to be considered a stranger, showed them how this clause was to be used. A man might be a stranger in a district, although his character and business might be very well known. If he (Mr. Dillon) went into the county he represented, he was a stranger—he was a stranger in every district of that county, because he had never lived there. Well, if he went into that county, he might be taken and bound over to be of good behaviour. The hon. and learned Attorney General (Sir Henry James) had said that anything that might be said or done calculated to set class against class, or anything that might be said to be an incitement to the committal of a breach of the peace, would be included in these words—"to be of good behaviour," as being seditious. Well, for the first time in his life, he (Mr. Dillon) now heard a Crown Lawyer laying down that definition, and saying that anything tending to set class against class in Ireland was sedition. It amounted to this — that anybody who was agitating in Ireland, if that agitation were calculated in any way to set one class against another, might be regarded by a magistrate, or a

Crown lawyer, or a Judge, as acting in a seditious manner. Under such a rule as that, it would be impossible for anybody in Ireland to complain of the action of the landlords, or to complain of evictions—it would be impossible even for them to complain of the action of the Government, because every complaint of that kind would be seditious. They knew that, under ordinary circumstances, when a case came to be tried before a jury, the common sense of the jurymen interpreted accurately the amount of the offence committed by a defendant. But, under this Bill, the trial would not be by a jury, but it would partake of the character of a "Star Chamber" inquiry. A man who habitually lived in Ireland, and who made himself obnoxious to the authorities, if he went out of his district, although his aim and object might be perfectly legitimate, and although he might in no way be connected with outrages, might be put under the rule of bail, which would pursue him all over Ireland. If such a man did anything, no matter where, that was calculated to produce discontent in the minds of any person, he would forfeit his own bail and that of his sureties.

MR. MARUM said that, if a man swore the peace against another, that other was bound over to keep the peace. Under the Statute of Edward III. the law of England and the law of Ireland were exactly the same, although he did not maintain that the administration of it was similar.

MR. GIVAN said, that, under the existing law, there was a power to bind over a person to keep the peace, and the terms on which persons were so bound over were given in the 34th section of the 15 & 16 *Vict.* c. 93. The magistrates had jurisdiction to bind over to keep the peace in respect of assaults and malicious injuries, and in the Schedule there was a form under which persons were bound, not only to keep the peace, but also to be of good behaviour. He did not think that the point was of much moment.

MR. HEALY said, that on this subject of binding a person over to be of good behaviour, he would read an extract from Paterson's *Liberty of the Subject.* In the volume entitled *Security of the Person*, he said—and the Secretary of State for the Home Department might take a hint, perhaps, from this statement of opinion in dealing with the point—

> "How far surety for good behaviour may be ordered:"
>
> "The proceeding of binding over a party to keep the peace towards some individual is an intelligible and necessary remedy and precaution, because it points to a definite and precise mischief which it is designed to avert. It is founded on the oath of an individual, that already some overt act or disposition towards personal violence had been manifested, and that if the party is not restrained or cautioned in an emphatic manner, he may do irreparable mischief. But when, in somewhat similar circumstances, it is thought to extend such jurisdiction into a wider sphere, and to demand 'sureties for good behaviour' this involves so vague and shadowy an imputation on the party aimed at, that the Courts might well hesitate to act upon it."

That was a very important opinion. The writer went on to say—

> "Good behaviour, in view of the law, can only mean conduct flowing from a general disposition to observe its full directions in their full latitude and detail; and, indeed, such a frame of mind ought to be frankly accepted and presumed in all subjects whatever. If any person manifests a proclivity towards any specific crime, there are, or ought to be, appropriate modes of punishing not only the crime, but any attempt to commit it. All kinds of threats of violence towards the person are fully disposed of, as already described, on the application to swear the peace."

That was highly important to consider in regard to this Bill.

> "To go beyond that, to exact sureties for being a good citizen, without reference to any overt step towards a breach of the law, is to travel beyond the proper province of the law into the region of morals, and to seek a kind of specific performance of good conduct, which comes neither within the category of crime nor any attempt or threat to commit it. It would be time enough to interfere when something had been done sufficiently definite to disturb the general security which the law throws round every subject of the realm."

The writer went on to say a great deal more; but he (Mr. Healy) would not trouble the Committee with it. The statement he had read was a most important one—the authority was that of a very well-known lawyer. Surely, after hearing the extract, the hon. and learned Attorney General (Sir Henry James) would give way on the point. The hon. and learned Gentleman only told them that the phrase, "to be of good behaviour," was a very old and well recognized one. That was true. But what were the facts? There was a phrase in the Statute of Edward III.; but there was not a single instance in English practice; there was not a single record of its having been put into practice.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, there certainly were records that could be given.

MR. HEALY said, he only spoke of newspaper reports of the proceedings of the Courts in Ireland. He had not been present at the time; but he was informed that during the State Trials in Dublin it was stated that there was no record of its having been put into practice, and that the statement was never contradicted.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he was anxious to avoid entering into a legal argument with the hon. Member for Wexford (Mr. Healy), because he was very much much afraid that he (Mr. Healy) would get the better of him if he did. He could not, however, help thinking that the hon. Member was wrong in this matter. In every Commission of the Peace, under which a Justice of the Peace obtained his powers, it was stated that the Justice should have power to cause a person to find sufficient security for the peace, or to be of good behaviour. Then, under the Summary Jurisdiction Act of 1879, Courts of Summary Jurisdiction were expressly given the power to adjudge persons to enter into recognizances as security to keep the peace or to be of good behaviour towards the person or persons complaining. [MR. HEALY: Towards the "person or persons?"] Yes, that was the common form. Then there was the Act of 1851, and even the hon. Gentleman, in his Amendment, wished to put that into operation. [MR. HEALY: In regard to an individual.] He did not wish to go into the discussion again. There were a great many things pointed at in the words "good behaviour," and the power of binding over to be of good behaviour was required in respect of acts not amounting to a breach of the peace, but which led to it. That power was intended rather to prevent the commission of crime than to punish it. The phrase had been in common use in England for a long time, as the hon. and learned Member (Dr. Commins) sitting near the hon. Member for Wexford would be able to tell that hon. Gentleman. This was by no means the application to Ireland of a strange law. The law was the same as that which was in existence in England.

MR. MORGAN LLOYD said, he wished to say a word in addition to what had fallen from the hon. and learned Gentleman the Attorney General (Sir Henry James). He had here the form universally in use in England, and it was as follows:—"To keep the peace and to be of good behaviour to all Her Majesty's subjects." That was the form in a book of great authority, and the form universally used throughout England.

MR. HEALY said, he should be happy to withdraw his Amendment, if the hon. and learned Attorney General would consent to put in the words he had mentioned—"to be of good behaviour towards some person."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that if they inserted words in the plural, they would include all persons. The common form was to keep the peace not only towards certain persons, but towards all Her Majesty's subjects.

MR. HEALY said, he had no objection to the hon. and learned Gentleman putting it as much in the plural as he liked. But the hon. and learned Gentleman could not get off in that way on this point. What they wanted to get at was this—Whether the hon. and learned Gentleman would agree to put in the Bill words to the effect that the person bound over should be of good behaviour towards some "person or persons?" Unless these words were inserted, they might find Irish magistrates contending that it was bad behaviour to erect a hut, or to collect subscriptions for persons put in goal for erecting huts.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he was anxious to meet the wishes of the hon. Member. Would words of this kind suit him?—

> "Shall be of good behaviour towards Her Majesty and all her liege subjects, and especially towards the complainant."

MR. HEALY: Yes; put that in.

THE ATTORNEY GENERAL (Sir HENRY JAMES): I will, on Report.

MR. HEALY: Very well; then I beg to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. SEXTON said, he begged to move a new sub-section after Sub-section (1), as follows:—

"(2). The justice shall, on the application of any such person brought before him as aforesaid, adjourn the further hearing of the case to a petty sessions to be held for the petty sessions district within which such arrest took place, not less than four days after the date of such application, and to consist of at least two justices, on such person giving reasonable bail for his appearance at such petty sessions. Such court of petty sessions shall deal with the case in manner provided by 'The Petty Sessions (Ireland) Act, 1851,' and the Acts amending same, in case of summary proceedings, and shall have the same power to deal with such person as in this section hereinbefore conferred on a justice of the peace."

It would be apparent to the Committee that the object of this Amendment was to give an accused person an opportunity of going before two Justices in a Court of ordinary Petty Sessions. If a person was willing to be tried by a single Justice, he might be so tried; but he (Mr. Sexton) wished to reserve to such person the right of going to the Petty Sessions. The arrangement for trial before a single Justice was one which contained a great deal of danger. The Justice might hold his Court at his private house, and hold an investigation at night, under such circumstances as to deprive the defendant of the advantage of having his case heard in open Court, in the presence of the representatives of the Press. Considering the state of feeling existing between the landlord and the tenant classes in Ireland, it would be dangerous to bring a man under this clause before a single magistrate. The magistrate might be a landlord himself, and a landlord unable to collect his rents, or he might be an agent. It would be absurd to bring a man before a single magistrate of that kind—it would be equivalent to convicting him at once off-hand. The landlord and the land agent, who divided between them the function of magistrate in Ireland, would be only too glad to convict. If the Amendment was agreed to, he proposed that not less than four days should expire between the hearing of the case by the magistrate and its hearing in the Petty Sessions Court. This interval was for the purpose of enabling the accused to put his defence in some sort of shape. In the case of a stranger, who had very few friends in the district, or in the country, it would be more necessary than it would be in the case of a person living in the neighbourhood that he should have ample time and opportunity for preparing his defence, and that publicity should be given to the proceedings. The Press should have an opportunity of hearing and reporting the case. He thought the hon. and learned Gentleman the Attorney General would see the reasonableness of his proposal.

Amendment proposed,

In page 5, line 6, after "month," insert as a new sub-section:—"The justice shall, on the application of any such person brought before him as aforesaid, adjourn the further hearing of the case to a petty sessions to be held for the petty sessions district within which such arrest took place, not less than four days after the date of such application, and to consist of at least two justices, on such person giving reasonable bail for his appearance at such petty sessions. Such court of petty sessions shall deal with the case in manner provided by 'The Petty Sessions (Ireland) Act, 1851,' and the Acts amending same, in the case of summary proceedings, and shall have the same power to deal with such person as in this section hereinbefore conferred on a justice of the peace."—(*Mr. Sexton.*)

Question proposed, "That the sub-section be there inserted."

MR. HEALY said, the Amendment was a very reasonable one indeed, and he hoped the Government would see their way to accept it. It amounted to this—that where a man had been arrested, his case might not be adjudicated on at once if he did not wish it to be, but might be taken to the Petty Sessions for hearing. That, surely, was not too much to ask. The practice of Mr. Clifford Lloyd used to be to take a whole bundle of men into his private room, harangue them and sentence them thereafter.

SIR WILLIAM HARCOURT said, he understood the object of the hon. Member for Sligo (Mr. Sexton) to be that when a man was brought before one Justice, he might claim, on giving bail, to have his case adjourned for the purpose of having it heard before two Justices. That, he thought, was not unreasonable.

MR. WARTON said, that if the Amendment were accepted, it would have an effect upon the next sub-section of the clause. They would have to consider who was to send to the Lord Lieutenant a report of the committal, stating the grounds of the committal and so on. They would have to consider whether it should be "the justice" or "the justices."

Mr. HEALY said, that difficulty could be got over by saying "the said justice or justices."

Mr. MORGAN LLOYD said, that if the right hon. and learned Gentleman were to accept the Amendment as it stood, it was a question for consideration whether he would not take cases of this kind out of the Act altogether, by enabling the prisoners to appeal to Quarter Sessions, and using all the other methods of appeal which would be open to them in ordinary cases. He saw no objection to having two Justices to try a case, instead of one; but, in other respects, it seemed to him that the appeal ought to be the same in these cases as in other cases. If this were not so, they would be giving special protection to a prisoner who chose to take advantage of the clause.

Sir WILLIAM HARCOURT said, what was wanted was to get security in this case—it did not matter how it was obtained, whether in the form of bail or in any other way.

Amendment *agreed to;* Sub-section *inserted* accordingly.

Mr. HEALY said, he had an Amendment on the Paper, to give an appeal to the County Court Judge, subject to the provisions and in manner provided by the 24th section of "The Petty Sessions (Ireland) Act, 1851." He did not, however, propose to move that, as the hon. Member for Monaghan, later on, would move an Amendment to give an appeal to the Court of Queen's Bench. He (Mr. Healy), however, had a second Amendment on the Paper to this part of the clause. It was to insert as a sub-section—

"Upon the hearing of a charge under this section against a person, such person, or the husband or wife of such person, may, if such person thinks fit, be examined as an ordinary witness in the case, but the failure to exercise this right shall not be held to create any presumption against such person."

He was aware that, as regarded the wife, this, if accepted, would be a departure from the ordinary law; but he thought that as the whole Act was a departure from the ordinary law, the Government could raise no complaint on that score. The Amendment was a very reasonable one. It merely said that an accused person could, if he thought fit, give evidence, and his wife, if she happened to be about, could do so likewise. A stranger to the district was not likely to have his wife with him, so that the Government could not say that they would be in any way damnified by passing this sub-section. With regard to the latter part of his Amendment, he did not suppose its principle would be readily admitted in the House of Commons; but there were enactments containing such a provision on the Statute Books of America. He only mentioned that fact to show that it had already entered the minds of some lawyers to lay down that when a prisoner could exercise a right, and did not do so, it should not be held to create any presumption against him. The Government, he thought, might accept the clause. There was very little in it one way or the other, and if the Government objected to it, he should not be prepared to fight it; but it would give a prisoner a slight advantage. It should not be forgotten that, as he had said, if a man's wife happened to be on the spot, it could not be said that the man was a stranger in the district. If the Amendment in one respect disregarded the ordinary theory of the law, that was no reason why, in a measure like this, it should not be accepted.

Amendment proposed,

In page 5, line 6, after "month," insert as a new sub-section:—"Upon the hearing of a charge under this section against a person, such person, or the husband or wife of such person, may, if such person thinks fit, be examined as an ordinary witness in the case, but the failure to exercise this right shall not be held to create any presumption against such person."—(*Mr. Healy.*)

Question proposed, "That the sub-section be there inserted."

The ATTORNEY GENERAL (Sir Henry James), said, there was no objection to the principle of the Amendment. He had accepted the principle in one of the Licensing Acts. The only exception he would take was that it would necessitate a slight revision of the 3rd clause. Inasmuch as they had not used the words in the previous clause, it would appear as though there was to be a presumption in the one class of case and not in the other. He would also suggest that the Amendment should end with the words "witness in the case."

Mr. HEALY said, he would accept the hon. and learned Gentleman's suggestion, and leave out the latter part of the sub-section. Probably he would bring it up again on Report.

Amendment *agreed to;* Sub-section, as amended, *inserted* accordingly.

MR. PARNELL said, he begged to move the following Proviso:—

"Provided, That no person shall be deemed a stranger, within the meaning of this section, if any justice of the peace, clergyman, or other credible person known to such justice, shall attend before such justice and certify, on oath, his acquaintance with such first-mentioned person, and that he is of good character."

This was an Amendment which he should hope the Government would feel themselves able to agree to. It was one of a very simple character. A Justice of the Peace ought to be able to judge whether the testimony of a clergyman or other credible person who gave a good character to a man was sufficient.

Amendment proposed,

In page 5, line 6, at the end of the foregoing Amendment, to insert the words "Provided, That no person shall be deemed a stranger, within the meaning of this section, if any justice of the peace, clergyman, or other credible person known to such justice, shall attend before such justice and certify, on oath, his acquaintance with such first-mentioned person, and that he is of good character."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, he did not think the hon. Member opposite (Mr. Parnell) would be disposed to retain the Amendment in that form, because the fact of a clergyman, or other credible person, certifying that the man was of good character did not prove that he was not a stranger. He might be a stranger of good character; but he could not be said not to be a stranger. The real point was, that he was under suspicious circumstances. Of course, the evidence of a respectable person that the man was of good character and good conduct would induce a Justice of the Peace to release him; but that was only part of the evidence which would prevent the stringency of this clause coming into operation; and if, by any means, the Justices of the Peace were not satisfied that persons could be released, they must give security under the section. Therefore, in either case, an arrested man would be safe. If there were a person of good character in the locality to testify in his behalf, he would not be deemed to be a stranger under suspicious circumstances, or, if there were any doubt upon that point, his friends would be able to give the securities required under the section. But to say that a man should not be deemed a stranger in the locality because some credible person said he was of good character would be inconsistent with the clause.

MR. HEALY said, that the Amendment said such a man should not be deemed a stranger within the district "within the meaning of this section," which was an entirely different point. He admitted that the evidence of a Justice of the Peace or other credible person would not prove whether a man was a stranger; but the Amendment said "for the purpose of the section," and that entirely disposed of the right hon. and learned Gentleman's argument. The right hon. and learned Gentleman had taken up a position that the Amendment was not necessary, and that no amount of evidence by a clergyman or Justice of the Peace would prove that a man was not a stranger; but the whole point was that it was to be "within the meaning of the section."

SIR WILLIAM HARCOURT said, the wording of the Amendment was not very clear; but his main point was that he was trying here to define the evidence which should satisfy a Justice of the Peace. It might be that a Justice of the Peace or a clergyman might know that a man was generally of good character; but there might be circumstances in connection with persons otherwise of good character so suspicious that the evidence could not be conclusive. The decision ought to be left to the tribunal, for it might be that the circumstances of suspicion might outweigh the general good character. If that were so, and a Justice of the Peace came to the conclusion that the circumstances were so suspicious as to require security, then the persons who were satisfied of the absolute good faith and good character of the man had only to become security for him and he could be discharged.

MR. M'COAN said, the object of the Amendment was to rebut the presumption of suspicion which might lead to a man's committal. He did not wish to joke on so solemn a topic as the personality of the Home Secretary; but if the right hon. and learned Gentleman happened to be walking along a country road in Ireland, and was arrested as a suspicious character, surely, if some clergyman came forward and declared that he knew him to be the Secretary of State for the Home Department, that ought to be sufficient to rebut the presumption. That was only carrying the argument to an extreme, and he thought it should require an exceedingly strong combination of suspicious circumstances concerning a man arrested under this clause to outweigh, say, such testimony as he had mentioned.

MR. T. D. SULLIVAN considered it very desirable that some measures should be taken to provide that persons should not be arrested again and again in several districts, after having again and again proved that they were of good character, and had lawful business. He himself had an Amendment on the Paper, designed to carry out this view; but the Chairman had said the Amendment of the hon. Member for the City of Cork (Mr. Parnell) was pretty much to the same effect. In his (Mr. Sullivan's) view, however, there was a substantial difference; but in putting forward his opinions in connection with this present Amendment, he would ask the Government to make some concession in that direction. What he had intended to propose was, that any person arrested and able to produce a certificate from any magistrate or clergyman in Great Britain or Ireland, certifying his good character, that should be held sufficient to enable him to go free. The present Amendment would make it necessary that on the occasion of each arrest a clergyman or magistrate should come forward and give his testimony. His proposition was that a man having lawful business might provide himself with a certificate from reputable and respectable authorities, which would enable him to travel through the country without having to undergo 20 or 30 different trials in as many different localities. Some reference to an idea of that kind was made earlier in the discussion, and the right hon. and learned Gentleman the Secretary of State for the Home Department said he had an objection to introducing a system of "passports" into Ireland. He (Mr. Sullivan) did not think the right hon. and learned Gentleman need be so delicate about introducing a system of passports after all that he had done in connection with this measure. The word "suspects" had become naturalized in Ireland, and in a little while the *clôture* would be naturalized; and, therefore, he did not think there would be any very great objection to the introduction of passports to enable persons who had lawful business, and who were of good character, to avoid being again and again arrested, and having to go over the same ground to establish their innocence. He would suggest that the right hon. and learned Gentleman and the Government should consider whether some such plan could not be adopted with this Amendment.

MR. JUSTIN M'CARTHY said, that, under a Bill of this kind, something like the passport system was necessary to enable a man to avoid arrest and trial. Suppose a newspaper correspondent or a commercial traveller was in Ireland, was he to be stopped in every town and put on his trial, and have to prove in some mysterious way that he was not a person of ill-purpose travelling for a suspicious motive? Would it not be better to allow him to produce, at the beginning of his journey, evidence that he was of good character, and travelling for a good purpose? He thought that was a natural and reasonable proposition. He supposed every Member of the House who had travelled in foreign countries had met with something of that kind. It had been his misfortune at Brindisi to be arrested and taken into custody on suspicion of being connected with a gang of smugglers, and he should have been glad of some person who would have come forward and shown that he was not a smuggler. The Committee should look the thing in the face; and as there was a foreign system of Government in Ireland there might as well be a foreign system of passport. He was in favour of the Amendment, and thought the Government ought to accept it.

MR. MACFARLANE thought the suggestion that passes should be provided by proper authorities was very reasonable; for it was possible that respectable people might be put to great inconvenience at many places—such as commercial travellers and newspaper correspondents. The system of passes might very well be adopted by the Government, the passes to be issued from Dublin for the protection of people from annoyance by the police. He thought this clause was one of great importance, for it seemed to him that the certificate of a Justice of the Peace, or a clergyman, or other credible person, would meet all that was required to enable a magistrate to discharge a man. If, however, the hon. Member for the City of Cork (Mr. Parnell) insisted on this Amendment, he would support it.

Mr. A. R. D. ELLIOT said, the question was not as to introducing passports, but as to what evidence would be necessary for a man taken before a magistrate.

MR. PARNELL said, there were two conditions required to enable a Justice of the Peace to act under this clause. First of all, the person must be a stranger; and, secondly, the Justice of the Peace must consider that he was in a proclaimed district under suspicious circumstances. In that respect, the clause differed from the previous clause. Under the previous clause, a policeman was entitled to arrest a man under suspicious circumstances at night; under this clause the police were entitled to arrest strangers under suspicious circumstances whether at night or day. It was clear that if a person was arrested, and then got a Justice of the Peace, or a clergyman, or other credible person in the district to vouch for his good character and honesty, he ought not to be considered a stranger. He could not be a stranger under those circumstances, because he would be known to persons of repute and position in the district. Therefore, he submitted that he had made out his claim in regard to where evidence of that kind was produced a magistrate should be checked. If a man was not a stranger, the magistrate would be within his right in imprisoning a man; but, as the clause now stood, the question as to whether a man was a stranger or not was practically left to the police to decide, and, in most cases, the magistrate would only decide whether the man was in a proclaimed district under suspicious circumstances. He thought it was fair that if, under those circumstances, an accused person, arrested under the provisions of this extraordinary clause, produced some magistrate, clergyman, or other credible person, to testify in his behalf that he was not a stranger in the district, the magistrate ought not to have jurisdiction, and the man ought not to be brought under the operation of this clause. He thought the Government might have met him in this matter, and in consequence of their answer he should be obliged to take the sense of the Committee on the Amendment.

MR. SYNAN said, he did not agree with the hon. Member for the City of Cork (Mr. Parnell) that the deposition of any person that a man was of good character had anything at all to do with the question of his being a stranger or not; but being a stranger under suspicious circumstances was not a rebuttal of facts, but an utter presumption against the man. The evidence of a magistrate, or clergyman, or other credible person that a man arrested was of good character ought to be sufficient to rebut that presumption. If there was evidence of the fact of the man doing anything, then such testimony would not be evidence as against the fact, but as against the presumption; and he apprehended that in any Court in the world, the evidence of a magistrate, clergyman, or other credible person in the neighbourhood would be quite sufficient to rebut the presumption against the man. Upon that ground he should support the Amendment.

MR. DILLON explained that what the hon. Member for the City of Cork (Mr. Parnell) said was that it was not a question of the effect of this evidence, but it was a question of having a definition of the word "stranger." They wanted to know what a "stranger" was; and it was very important to have that defined, because the term was a very wide one. It might mean a man who had not a dwelling-house in the district, or simply that a man was not known in the district, and those two distinctions were entirely different in effect. The point of the hon. Member for the City of Cork was that a man known by people of good position and standing ought not to be called a stranger. If the hon. Member went to Cork, where he had no house, would he be considered a stranger, although he could call a hundred witnesses who could swear to his good character? Under the clause, however, he might be treated as a stranger; and if he (Mr. Dillon) himself went to Tipperary he might be treated as a stranger. The object of the Amendment was to place something like a narrow definition upon the word stranger, and to rule that "stranger" could not include a man who was known to persons of standing and repute. He could not understand the contention of the Secretary of State for the Home Department, who seemed to say that it really did not matter to a man whether he was put under a rule of bail or not. The right hon. and learned Gentleman argued that if a man was known in a neighbourhood he could easily get bail; but there were cases in which people who knew a man would not wish to become bail, and there was a great difference between being discharged absolutely and being placed under a rule of bail. He objected to a man being put under a rule of bail for good behaviour, and there was a marked difference between deciding that a magistrate, upon receiving certain specific evidence that a man was not a stranger, but was known to be of good character and honest, should discharge him, and say that he should be held to bail for good behaviour.

Mr. O'DONNELL said, the hon. Member for the City of Cork (Mr. Parnell), in fact, proposed that where a man was known to respectable inhabitants of a district, it was not necessary for him to be known to the police. The Secretary of State for the Home Department resented that as quite intolerable, and refused to accept such a suggestion; but the opinion of the right hon. and learned Gentleman really called attention to a very curious distinction between government in Ireland and government in England. In England it was the very reverse of a compliment to a man for him to be known to the police; while, according to the right hon. and learned Gentleman, it was only that class of persons who were likely to be supporters of the Government in Ireland.

Question put.

The Committee *divided:*—Ayes 46; Noes 161: Majority 115.—(Div. List, No. 154.)

Dr. COMMINS said, the Government had introduced a new system, which was practically martial law, into Ireland. There was about to be an Industrial Exhibition held in Dublin, and during that Exhibition an enormous influx of visitors from America and other places might be expected; and unless they were protected they would be liable to arrest under the Alien Act, and to be worried in such a way that probably, after the first few of such visitors, the influx would cease altogether. The section he proposed provided for giving a certain amount of protection to those who visited Ireland to see the Industrial Exhibition, or for other honest purposes, and to furnish them with an easy means of avoiding such annoyance and worry as they were otherwise sure to be subjected to. Many persons coming from France, or America, or Holland, or any other country, upon an honest and lawful errand, could, under this proposal, be provided with an easy means of identification, and of showing that they were upon a lawful errand in the country, and ought not to be interfered with. In that way a visitor would avoid the interference of the police, which must necessarily take place if something was not done in the way of giving a passport. The question whether the passport system might not be further extended to natives of Ireland might be raised hereafter. But he thought the Committee might adopt this Amendment, which would prevent irrevocable damage being done to the Exhibition and to the country by keeping away foreigners.

Amendment proposed,

In page 5, line 12, at end, add, "Provided always, that an alien visiting Ireland or travelling there between the first day of August and the last day of December, one thousand eight hundred and eighty-two, who shall within one week of his arrival have deposited with the Consul of his Nation in Dublin a notification of his name, nationality, and description, and received under the Consular seal a certificate reciting and acknowledging the same, shall upon the production of such certificate be considered a person not within the provisions of this section, and not liable to arrest or detention under such provisions."—(*Dr. Commins.*)

Question proposed, "That those words be there inserted.

Sir WILLIAM HARCOURT said, the best way to encourage people to come to the Exhibition was to put the country in a state of tranquillity. An hon. Member had said that Ireland was the most hospitable country in the world; but it seemed to him (the Secretary of State for the Home Department) that strangers coming over to visit an unpopular landlord, for instance, might feel a little uncomfortable at the present time. If the hon. and learned Member (Dr. Commins) looked at the Amendment, he would see that under it every alien would be able to put himself out of the clause, because every alien was entitled to a certificate from his Consul saying that he was an alien. But such certificate did not say that he was a respectable man, and he might be the greatest ruffian in the world, and might have formidable weapons upon him. Yet, by this proposed clause, because a man had a certificate, he could not be touched. Surely the hon. and learned Member could not intend that? For that reason he could not accept the Amendment.

MR. PARNELL said, if a person was discovered under the circumstances mentioned by the right hon. and learned Gentleman the Secretary of State for the Home Department, he might be sentenced to three months' imprisonment under the present law by summary jurisdiction.

SIR WILLIAM HARCOURT said, there might be many other suspicious circumstances; but all that was proposed here was that a mere declaration that a man was an alien would take him out of the clause, although he might be, to the knowledge of the Consul, the greatest ruffian in the world.

MR. HEALY remarked that, earlier in the evening, the right hon. and learned Gentleman the Secretary of State for the Home Department had used the same argument, saying that if a man was found with suspicious weapons he could get three months' imprisonment under the ordinary law; and now the right hon. and learned Gentleman made the same statement. Those were specimens of the arguments with which the Government met Irish Members.

DR. COMMINS said, he would withdraw the Amendment.

Amendment, by leave, *withdrawn.*

THE CHAIRMAN: The next Amendment is by the hon. Member for Wexford (Mr. Healy). It proposes that henceforth no person shall be imprisoned under this section, provided that he shall give securities for his good behaviour. This Amendment cannot be proposed, because it would alter the general law of the country.

MR. SEXTON, in moving to omit the six principal cities of Ireland from the operation of the Bill, said, that the provisions elsewhere in the Bill gave ample security, and the Bill could not be considered necessary for Dublin or other Irish cities. There was to be a great National Exhibition in Dublin, which, it was hoped, would bring people from all parts of the world. The Secretary of State for the Home Department said strangers would visit the country, if the country was tranquil; but how could the country be expected to be tranquil, when the police were at liberty at any hour of the day or night to arrest a stranger, and take him before a magistrate? People from Australia, or America, or other distant places, would not visit Ireland if, in the very streets of the capital, they were to be exposed to annoyance from policemen on the shallowest pretext. If there was any reason to suppose that the efficiency of the Act would suffer by this proposition he should not make it; but one of the right hon. and learned Gentleman's Colleagues had admitted that the cities of Ireland were not in the condition which had produced that against which this Bill was directed. The right hon. and learned Gentleman the Attorney General for Ireland had given Notice to propose that the Curfew hours should not be further continued in the city.

Amendment proposed,

In page 5, at end of clause, to add, "This clause shall not apply to the cities of Dublin, Cork, Belfast, Limerick, Galway, and Waterford."—(*Mr. Sexton.*)

Question proposed, "That those words be there added."

SIR WILLIAM HARCOURT thought the hon. Member for Sligo (Mr. Sexton) must entirely misapprehend the object of this clause. If it was to apply to agrarian crime, it was quite as much required for the leaders and agents of the Fenian Conspiracy, and the assassinations by which that conspiracy was supported; and, if he were to give an opinion, he should say that the clause was more necessary for the great towns of Ireland than for the smaller towns. See what would be the result of such an exemption! It would make these cities the places of refuge—the Alsatia of all those people—and the action of the clause would be entirely defeated. If there had been this clause before, the murders in Phœnix Park might have been anticipated by seizing the murderers. This clause, he ventured to state, was more applicable to Dublin and other great cities than to any other parts of the country.

MR. PARNELL said, the Secretary of State for the Home Department had stated that his desire was to use this clause against murderers and conspirators. He (Mr. Parnell) apprehended the right hon. and learned Gentleman would have to make a very wide use of the clause in a large city like Dublin if he expected it to be of any use against murderous conspiracies which he supposed might exist in Ireland. A clause of this kind would be absolutely useless for such a purpose in a large city, while it would only afford a temptation to the police in large cities to harass people who were going about their lawful business. He could quite understand that the police in a city like Dublin might think it of the greatest importance, and quite in accord with their duty, to harass people who might come from the United States of America in order to visit the popular National Industrial Exhibition in autumn next; and he thought the Secretary of State for the Home Department might have excluded Dublin from the operation of this clause during the period of the Exhibition—that was, during the three months stated in the Amendment. The clause was based on the clause in the Act of 1875, which was admittedly brought in for the purpose of dealing with an agrarian conspiracy. Agrarian conspirators, it was manifest, had to move about the country from place to place, and in moving about the country they were liable to come under the notice of the police; but any person going to, and remaining in, a city with the intention of committing a murder or other outrage would not be at all likely to come under their notice in the manner hoped for under this clause. It appeared to him that it was only an excessive desire to inflict discomfort on all the humbler classes in Ireland that induced the Government to reject all consideration of this Amendment. It was perfectly intolerable that a clause of this kind should apply to Dublin or Cork, and there was not a shadow of excuse for it. In what way would this clause have helped the Government to prevent the murders in Phœnix Park? It would not have been of the slightest assistance to prevent those murders, and he hoped the Government would show a desire to meet the Irish Members in this matter, at all events, by agreeing to omit Dublin from the clause during the period of the Exhibition.

Mr. GIBSON said, this clause must be read in connection with the 20th clause of the Bill. It could only apply to a proclaimed district; and if the Lord Lieutenant, under the 20th clause, by and with the advice of his Privy Council, decided to proclaim a district, it would be unreasonable to say that if the Lord Lieutenant arrived at the conclusion that it was necessary to proclaim a part of Ireland, he should be met with a clear statement in the Act that, notwithstanding his conclusion, he could not apply the Act. Unfortunately, the condition of Dublin, at the present time, was not at all satisfactory; and it would be a curious and a painful Return which would show how many people were under police protection in the streets of Dublin at this moment.

Mr. O'DONNELL said that, judging from the Returns in that House of the hundreds of unclaimed corpses in London, there were a large number of persons in this City who, if they were not under police protection, ought to be; but there was another point to which he would refer. This clause, under which it was sought to exempt the chief cities in Ireland, was, in reality, the only clause for the arrest of "suspects;" and when the Secretary of State for the Home Department said that if this clause had been in operation he might have been able to prevent such terrible occurrences as the assassinations in Phœnix Park, he forgot that he had already a law for "suspects" in his hands, and that the possession of that law, wielded with sufficient vigour for a long period of time, had not in the slightest degree interfered with the murderers, and he feared that the right hon. and learned Gentleman would find this clause equally ineffective. He would call attention to this fact—that Dublin and Cork were the chief places of debarkation for persons coming into Ireland. If persons of the poorer condition of life who disembarked at Dublin, or at Cork, could once get to the districts of the country where their friends live, and where they were known, and where they could easily obtain references, there would be no danger whatever of such persons suffering under a fair administration of this clause. But supposing the police arrested a number of recently-arrived men in Dublin or in Cork, men who were 50 or 60, or possibly 100 miles away from home, who knew nobody in Cork or in Dublin, a great injustice would be done these men by requiring them to give surety by entering into recognizances and sureties to keep the peace and be of good behaviour. Such men might be kept in gaol for an indefinite time simply because of their being arrested in Cork or Dublin, the place of their debarkation, and the place in which it was utterly impossible for them to obtain references or sureties, knowing no one in the place to whom they might apply. Hon. Members on the other side of the House repudiated the statement of the hon. Member for the City of Cork (Mr. Parnell) that the Government seemed to be anxious to pass a Bill which would be as aggravating and as irritating as possible to the poorer classes of the population of Ireland; but certainly he did not see any sign about this clause which was calculated to produce any other impression than that against which hon. Members opposite protested so vehemently. This clause seemed a poor man persecution clause, and he was afraid it would be regarded in that light in Ireland. He did not think it would be of the slightest use in preventing crime; but it would be of great use in promoting discontent, which was closely akin to dissatisfaction.

MR. SEXTON hoped that, if the Government could not see their way to assent to this Amendment, they would, at least, allow the clause to be inoperative in Dublin during the few months that the forthcoming Industrial Exhibition was open. He was perfectly certain that nothing would be lost to the country if this clause was allowed not to be effective in the City of Dublin during that time. If it did operate during this period it would sensibly hurt the Exhibition, because it would prevent many strangers from attending. Reference had been made by the Secretary of State for the Home Department to the recent assassinations in Phœnix Park; but, surely, if the clause had been in operation at the time of these assassinations, it would have been of little service in discovering the assassins, because the police must have suspected the men before they put the clause into operation, and up to the present time there had not been a scintilla of evidence to show that they had any knowledge whatever who the criminals were. He must protest against the Secretary of State for the Home Department citing the recent assassinations as an argument in favour of this clause.

MR. METGE said, there was only one possible excuse for the clause, and for the proposing of the Amendment in the modified form which the hon. Member for the City of Cork (Mr. Parnell) had suggested.

THE CHAIRMAN: I must point out to the hon. Member that that is not the Amendment before the Committee. The Amendment before the Committee is to exempt the cities of Dublin, Cork, Belfast, Limerick, Galway, and Waterford from the operation of the clause.

MR. METGE thought that the only way in which the Government could justify the application of the clause to the City of Dublin would be for them to bring forward evidence of having suspected a single individual who had any connection whatever with the treacherous crime committed recently in Phœnix Park. No one deplored that crime more than he did; but he thought when the Government had the audacity to refer to that crime in this House, in order to influence and prejudice the sentiments of hon. Gentlemen opposite and to get their support to this Bill, they should, at least, bring forward one case to support their arguments of an individual who had been suspected in connection with this crime, and who this clause would have affected had it been in operation at the time of the murders. As had been pointed out by hon. Members around him, they were to have an Exhibition in Dublin, which was of vital importance, as he believed, to the trade of Ireland generally. He (Mr. Metge) was connected in various ways with several people interested in the trade of Ireland, and he knew that all looked forward to the success of the forthcoming Exhibition with deep interest. The only possible effect of enforcing this clause would be that it would break down, in a very great measure, the success of that undertaking, and thereby give rise to increased irritation amongst the trading classes in Dublin and in Ireland generally. For these reasons, if the Government were about to enforce this clause during the time of that Exhibition, they ought, at least, to show that under the law as it at present existed their powers were not sufficient to reach such people as committed the recent crime in Phœnix Park.

Mr. TREVELYAN said, that he could not help thinking, when listening to this discussion, how very little the facts and arguments of hon. Members opposite touched the point under discussion, as that point was looked at by the people who were responsible for the safety of Ireland. He might almost say, if there was one clause about which, at that moment, the Irish people were anxious, it was this particular clause. The clauses of the Act, about which the Irish Government at this moment were so anxious, were those directed against secret societies and their agents; and he did not scruple to say that in one of those very towns which it was proposed to exempt from the operation of the clause there were a number of strangers of the most suspicious kind—of that sort of suspicion which would not bring them within the scope of the Protection of Person and Property Act referred to by the hon. Member for Dungarvan (Mr. O'Donnell), but strangers about whom the Government would very much like to know something, and as long as the Government did not know that something they were most anxious indeed. It was in towns such as those proposed to be exempted, where, if any outrage was in contemplation, strangers from a distance mostly collected; and from these towns they broke out into the agrarian districts and committed outrages; and from these towns they plotted outrages against officials of which they had had a foretaste, and of which, if this Bill did not pass, and pass very promptly, they would have some heart-rending specimens, he was afraid, at no distant time. Such was the case in one of the towns in Ireland; and that town might be Dublin, although he did not say it was. There was, however, no reason why Dublin should not be for the moment the centre where these strangers collected; and the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) said very justly that this clause would not be put in force except a district was proclaimed. The Committee might be very certain that as soon as this Act was passed with this clause in it, the Government would take good care to proclaim any part of the country, rural or urban, where strangers of this sort were lurking, and they would take very good care not to proclaim any town which was free from these persons. This clause was most essential; and he must say that if the Bill was to be discussed at this length on every clause like the present—and the operation of this clause was well known and had proved to be innocuous to law-abiding citizens—very great calamities might happen before it became law.

Mr. O'DONNELL said, that if hon. Members would just calmly consider the statement of the right hon. Gentleman the Chief Secretary for Ireland, they would not fail to perceive that if there be any clause in this Bill which was capable of protecting Dublin or any other town it was certainly not this clause. Let them imagine there was a band of strangers of the most desperate purposes in a town in Ireland, say Cork, or Dublin; that they were men of a powerful organization, and that they had got £1,500 or £2,000, or it might be £5,000 at hand, what effect would this clause have upon three or four of the most desperate of these men? Why, a Justice might require one of these men to give security by entering into recognizances, and find sureties to keep the peace and be of good behaviour during the ensuing six months, and, in default, commit him to prison. Well, of course, an assassin of that kind, with £5,000 at his banker's, would be quite ready to offer £50 or £100 security, and he would have two or three of his kidney who would stand surety to the extent of £50 or £100, if necessary; and if they had a great crime to carry out, they would just have as little regard to the estreating of their recognizances as they would for any item of loss in connection with their horrible business. He could assure the right hon. Gentleman that if it was the object of the Government to put down desperate assassination and to prevent great excesses, this clause would be as ineffective as a net-work of cob-webs would be to stop a rush of buffaloes. This clause, however, would be of the greatest use in worrying and annoying inoffensive strangers; but it would be totally ineffective against desperate, determined criminals.

Question put, and *negatived.*

On Question, "That the Clause, as amended, stand part of the Bill?"

Mr. DILLON said, that before the Question was put, he wished to make a few observations. He distinctly disapproved of the clause; but he would not oppose it if the Committee could only be assured that it would be used in the manner described by the right hon. Gentleman the Chief Secretary to the Lord Lieutenant of Ireland. He opposed it because it was in the power of the magistrates and of the Executive Government in Ireland to use the powers it conferred in a most tyrannical and a most extravagant fashion. They knew how the powers of the famous Act of Edward III. had been employed; and the point he wished to place before the Committee was that, although for some time the clause might be used in the way the Chief Secretary for Ireland promised it should be used, they had no authority whatever that it would not be used as the Statute of Edward III. had been enforced, for entirely different purposes to those for which it had been asked. The Act of Edward III. empowered magistrates to bind over people to be of good behaviour; but who were the people who were bound over under that Act by the magistrates to be of good behaviour? They knew that some 10 or 12, possibly 15 or 20, people were bound over under that Act to keep the peace, and amongst that number he defied the right hon. Gentleman to say that there was a single individual who he or his Predecessor (Mr. W. E. Forster) would suspect for a moment of any intention to commit an outrage. They knew that some of those imprisoned under the Act of Edward III. were ladies of the highest character, and he did not think the right hon. Gentleman would deny that they were ladies of the highest character; and the worst that could be alleged against them was that their conduct was calculated to produce intimidation. Amongst the number imprisoned were several Catholic priests. One Catholic priest, under the Act, underwent three months' imprisonment; and he challenged the right hon. Gentleman the Member for Bradford to say that anything at all substantial could be alleged against the character of that reverend gentleman. Would the Government give them any security that this clause would be used simply against men who were suspected of being agents of assassination societies, or men who came to Ireland for the purpose of assassination and outrage? If the Government would give that assurance, he and his hon. Friends would withdraw their opposition to the clause. They wanted to know that the clause would not be used against men well-known in Ireland—men of respectable character and entirely above suspicion. Men who were simply found out of their own districts might be treated as strangers under the clause; and he had no doubt that many of such men would positively refuse to find sureties, if required to do so, because they would not care to run the risk of forfeiting their bail, not knowing what would be held by the Government to be "good behaviour." He would give the Committee an instance which might come home to any one of them. Suppose anyone were required to give bail under the clause, and that afterwards they went down to the country to make a speech condemning the landlords, or condemning the Government, or criticizing the action of the Commissioners, how did they know that the views of the Government with regard to good government might not alter between now and then; because it must be remembered that the views of the late Chief Secretary for Ireland were very much altered during the course of his administration of Irish affairs. They might find their bail forfeited, and their friends landed in very great sacrifices. The reason why he particularly opposed the clause was not because he feared the way in which the Government would use it; but because he feared that something might happen which happened under the Coercion Bill of last year — that the Government might get the clause, plausibly to use for certain purposes, just as the right hon. Gentleman the Member for Bradford got the Coercion Bill last year—to arrest assassins, and outrage-mongers, and dissolute ruffians; and that it might be used by the officials in Ireland to arrest men against whom they could allege nothing, except that they were political opponents. He did not know that this clause might not be used in the same way as the Act of last year was used, for the purpose of the wholesale arrest of political opponents. The practical effect of the clause would be that no man of position could say anything or do anything at all against the Government; and if he were out of his own neighbourhood he would be subjected to the risk of immediate arrest.

Mr. SEXTON said, he wished to join his hon. Friend (Mr. Dillon) in his opposition to the clause. The Chief Secretary for Ireland had just complained of the length of time the Irish Members had taken up in discussing the various Amendments proposed to the Bill; and, in the same breath, the right hon. Gentleman confessed that there was no clause about which the Government were more anxious than this. That admission in itself, to some extent, explained the reason why he and his hon. Friends had occupied so much attention in discussing the clause. The anxiety which the Government felt in reference to the clause was, no doubt, a measure of its importance; the importance of the clause was the reason why so much time had been occupied in its discussion. He had, however, yet to learn that less than five hours was an excessive time to occupy in the discussion of a clause which would enable every policeman in Ireland for the next three years to arrest every stranger he might come across. The powers conferred by the clause were so drastic, so despotic, and so extraordinary that he and his hon. Friends would be false to their trust, and very cowardly indeed in the presence of this Committee, if they did not speak out upon this subject, and speak out at such length as might be necessary to show the hypocrisy of the Government. They knew full well that the Coercion Act of last year was obtained for one purpose, but used for another. It was obtained for the arrest of the assassin, but it was used to arrest political opponents; it was obtained as a weapon against the midnight marauder, but it was used for the purposes of arrest by day. They had heard that the clause under notice would be used against the agents of secret societies and the emissaries of secret organizations. He had no doubt that if the Statute of Edward III. were given up and disused, this clause would be made to take its place, and that priests, and respectable artizans, and ladies would be arrested under this clause, which dealt with strangers. The Irish Members had sought in vain for a definition of the term "stranger." They had asked that a stranger should be considered a person unknown, or a person residing at a certain distance; but no; the Secretary of State for the Home Department would not even consent to such a definition, for he feared that the elastic action of the Irish police might be somewhat retarded if a definition were given. The effect of the clause would be that, in the course of the next three years, every man, woman, and child in Ireland would, at some time or another, be placed at the mercy of any policeman they might come in contact with. They had asked for a definition of "suspicious circumstances," and they had asked for some indication of what was to constitute "a criminal intent." But all their pleading had been in vain, and their desires were unheeded. Suspicious circumstances were just whatever might strike the more or less ignorant mind and dull imagination of any ordinary policeman. A stranger was not to be brought before a Superior Judge, or even before a County Court Judge, or one of those stipendiary magistrates who were so learned in the law; but, unfortunately, if a stranger—it might be he was a tourist—fell into the hands of a policeman by day or by night, he was to be brought before one of the ordinary magistrates of the country. The ordinary magistrates were either landlords or agents, for the Commission of the Peace was divided between the owners of the land and those who were paid a percentage upon the rents paid by the tenants. He need not say how, in the present condition of feeling in the country, these men would view a stranger who might be brought before him, and who might not be able to give a very lucid account of himself. By a reversal of common sense, a stranger, who had probably no friends in the locality in which he was found, was asked to give a good account of himself; and, finally, he was required to give sureties to keep the peace and be of good behaviour for six months. They had already discussed the question of good behaviour, and hon. Gentlemen seemed to be a little surprised that Irishmen did not understand what was meant by good behaviour. He could only say that, when artizans putting up huts had been held to be persons of bad character, when ladies engaged in mere works of charity had been held to be persons of bad behaviour, the judgments of the Irish people had been broken to pieces, and their faculties had been pulverized by the decisions given by Resident Magistrates as to what constituted good behaviour. The clause was a double-edged weapon put in the hands of the police, and which was to be used in as tyrannical a manner as possible against public liberty. When the story of the next three years came to be told, it would be found that offences against the public liberty as disgraceful—though, perhaps, not so hurtful to individuals—as any committed during the *régime* of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) had been committed.

DR. COMMINS said, that, as to the importance of the clause, he agreed with his hon. Friends and the Government. The Secretary of State for the Home Department had told the Committee the clause was one of the most important of the whole Bill; and he (Dr. Commins) thought that any person who read it would see that the right hon. and learned Gentleman did not mis-state its importance. Last Tuesday, two important decisions were given in the Courts of Queen's Bench—one in the English Queen's Bench and the other in the Irish Queen's Bench. Both decisions were with regard to the requirement of people to be of good behaviour. The Irish case was that of "Hogan *v.* the Justices of County Kerry," and the Irish Queen's Bench held that it was perfectly legal to commit Miss Margaret Hogan, a member of the Ladies' Land League, to prison for six months, in default of her finding bail to be of good behaviour. Strangely enough, the case of "Beatty *v.* Gillbanks" was held the same day in the Court of Queen's Bench at Westminster, and Mr. Justice Cave and his brother Justice held that no one could be committed under the Statute of Edward III. in default of bail, and no one could be bound over to be of good behaviour, unless some overt act of bad behaviour was proved against them. The Courts of Ireland had been using, for the last three or four months, precisely the Act that was appealed against on Tuesday last at Westminster; they had been committing to gaol educated ladies of the highest character, simply because it entered into the heads of policemen to disagree with certain acts of those ladies, acts which any reasonable person would be inclined to regard as acts of charity. This section proposed to legalize this kind of proceedings, and it did so without openly declaring the intentions of its framers. The Secretary of State for the Home Department, who seemed to have taken gentle care of the section, would not, though pressed on all sides, say what use it was intended to make of it. The right hon. and learned Gentleman would not give the Committee the slightest idea as to who was to constitute a stranger; but, from the discussion, it was perfectly clear that a person might be considered a stranger within a bowshot of his own house. The section itself did not afford the Committee any information as to what kind of persons were to be subject to the penalty it imposed. It was evident, though the Secretary of State for the Home Department would not admit it, that the whole object of the section was to place a weapon in the hands of the Chief Secretary for Ireland, or of the Government of Ireland, to suppress any opinion they might think fit. It was just possible that a person who stepped upon a public platform—he might be a Member of Parliament desirous of addressing his constituents—might be considered a stranger for aught the Committee knew. Any person who expressed an opinion which was not approved of by the police in the neighbourhood, or by the Resident Magistrates—the names of some of whom the Irish people knew too well—might be called upon to give security to keep the peace, or, in default of finding sureties, they might be committed to prison. Then they came to the fact that sureties for good behaviour might be estreated, because of words spoken, though there was no breach of the peace. Though there was no prosecutable offence, sureties might be estreated simply for some word spoken that might be alleged to be seditious, or alleged to be contrary to the law. It was not possible to conceive anything so unjust. The inevitable result of such a law, administered in the way it would be in Ireland, would be that hundreds of people who, possibly out of friendship, might have gone surety for a person alleged to be a stranger would be ruined. Regarding this as a deliberative attempt to crush the liberties of the Irish people, he should vote against the clause.

Question put.

The Committee *divided:*—Ayes 194; Noes 31: Majority 163.

[*Fourteenth Night.*]

AYES.

Acland, C. T. D.
Acland, Sir T. D.
Agnew, W.
Alexander, Colonel C.
Allen, H. G.
Armitage, B.
Armitstead, G.
Bailey, Sir J. R.
Balfour, A. J.
Balfour, J. B.
Baring, T. C.
Barttelot, Sir W. B.
Bentinck, rt. hon. G. C.
Biddell, W.
Birkbeck, E.
Blennerhassett, Sir R.
Boord, T. W.
Borlase, W. C.
Brand, H. R.
Brassey, Sir T.
Brett, R. B.
Bright, rt. hon. J.
Brinton, J.
Broadhurst, H.
Broadley, W. H. H.
Brooks, W. C.
Bruce, rt. hon. Lord C.
Bruce, Sir H. H.
Bryce, J.
Campbell, R. F. F.
Campbell-Bannerman, H.
Carington, hn. Colonel W. H. P.
Cartwright, W. C.
Cecil, Lord E. H. B. G.
Chaine, J.
Chamberlain, rt. hn. J.
Cheetham, J. F.
Childers, right hon. H. C. E.
Clive, Col. hon. G. W.
Compton, F.
Cotes, C. C.
Courtney, L. H.
Creyke, R.
Crichton, Viscount
Cropper, J.
Cross, rt. hon. Sir R. A.
Crum, A.
Dalrymple, C.
Davenport, H. T.
Davey, H.
Davies, R.
De Worms, Baron H.
Dilke, Sir C. W.
Dillwyn, L. L.
Dodds, J.
Dodson, rt. hon. J. G.
Douglas, A. Akers-
Duckham, T.
Duff, R. W.
Dundas, hon. J. C.
Dyke, rt. hn. Sir W. H.
Ebrington, Viscount
Egerton, Adm. hon. F.
Elliot, G. W.
Emlyn, Viscount
Errington, G.
Farquharson, Dr. R.
Fawcett, rt. hon. H.
Feilden, Major-General R. J.
Fenwick-Bisset, M.
Firth, J. F. B.
Fitzpatrick, hn. B.E.B.
Fitzwilliam, hon. H. W.
Flower, C.
Forster, Sir C.
Fowler, R. N.
Fry, T.
Gibson, rt. hon. E.
Gladstone, rt. hn. W.E.
Gordon, Sir A.
Goschen, rt. hon. G. J.
Gower, hon. E. F. L.
Grafton, F. W.
Grantham, W.
Gregory, G. B.
Gurdon, R. T.
Hamilton, I. T.
Hamilton, right hon. Lord G.
Hamilton, J. G. C.
Harcourt, rt. hon. Sir W. G. V. V.
Hayter, Sir A. D.
Heneage, E.
Herschell, Sir F.
Hibbert, J. T.
Hill, T. R.
Holden, I.
Holland, Sir H. T.
Holms, J.
Home, Lt.-Col. D. M.
Howard, E. S.
Howard, G. J.
Illingworth, A.
James, Sir H.
James, W. H.
Jardine, R.
Jenkins, D. J.
Jerningham, H. E. H.
Johnson, W. M.
Jones-Parry, L.
Kingscote, Col. R.N.F.
Lawson, Sir W.
Leake, R.
Leatham, W. H.
Lee, H.
Lefevre, rt. hn. G. J. S.
Leigh, hon. G. H. C.
Leigh, R.
Lewisham, Viscount
Loder, R.
Long, W. H.
Lubbock, Sir J.
M'Arthur, A.
Macartney, J. W. E.
M'Garel-Hogg, Sir J.
Mackintosh, C. F.
Macnaghten, E.
Marjoribanks, E.
Maskelyne, M.H. Story-
Miles, C. W.
Mills, Sir C. H.
Monk, C. J.
Moreton, Lord
Morgan, rt. hon. G. O.
Morley, A.
Mulholland, J.
Mundella, rt. hon. A. J.
Newdegate, C. N.
Noel, E.
Northcote, H. S.
Northcote, rt. hon. Sir S. H.
Paget, T. T.
Pease, A.
Pease, Sir J. W.
Peddie, J. D.
Pemberton, E. L.
Plunket, rt. hon. D. R.
Porter, A. M.
Powell, W. R. H.
Pugh, L. P.
Raikes, rt. hon. H. C.
Ramsay, J.
Ramsden, Sir J.
Rathbone, W.
Richard, H.
Roberts, J.
Rogers, J. E. T.
Rothschild, Sir N. M. de
Round, J.
Russell, G. W. E.
Rylands, P.
Salt, T.
Schreiber, C.
Sclater-Booth, rt. hn. G.
Severne, J. E.
Simon, Serjeant J.
Smith, E.
Smith, rt. hon. W. H.
Spencer, hon. C. R.
Stanton, W. J.
Stevenson, J. C.
Talbot, C. R. M.
Tavistock, Marquess of
Taylor, rt. hn. Col. T.E.
Thornhill, T.
Tollemache, H. J.
Tottenham, A. L.
Tracy, hon. F. S. A. Hanbury-
Trevelyan, rt. hn. G. O.
Wallace, Sir R.
Walrond, Col. W. H.
Walter, J.
Warton, C N.
Wedderburn, Sir D.
Whitbread, S.
Whitley, E.
Williams, S. C. E.
Williamson, S.
Willis, W.
Winn, R.
Wodehouse, E. R.
Wolff, Sir H. D.
Woodall, W.
Wortley, C. B. Stuart-
Wroughton, P.

TELLERS.
Grosvenor, Lord R.
Kensington, Lord

NOES.

Biggar, J. G.
Byrne, G. M.
Callan, P.
Commins, A.
Corbet, W. J.
Cowen, J.
Dillon, J.
Gill, H. J.
Healy, T. M.
Labouchere, H.
Lalor, R.
Leamy, E.
M'Carthy, J.
Macfarlane, D. H.
Martin, P.
Marum, E. M.
Metge, R. H.
Molloy, B. C.
Nolan, Colonel J. P.
O'Connor, T P.
O'Donnell, F. H.
O'Gorman Mahon, Col. The
O'Sullivan, W. H.
Parnell, C. S.
Power, J. O'C.
Sexton, T.
Sheil, E.
Smithwick, J. F.
Sullivan, T. D.
Synan, E. J.
Thompson, T. C.

TELLERS.
Power, R.
Redmond, J. E.

Clause *ordered* to stand part of the Bill.

Clause 10 (Newspapers).

MR. DILLWYN moved, as an Amendment, in page 5, line 14, to leave out "wherever." He said he did not object to the Lord Lieutenant having power to prevent objectionable foreign publications being brought into Ireland; but he strongly objected to the suppression under this clause of Irish newspapers themselves. There was ample power under the existing law to prevent an abuse of the liberty of the Press. To him it appeared that the Bill rather tended to encourage secret societies than otherwise. They had already prohibited public meetings, and now an endeavour was being made to prevent the free expression of public opinion through the medium of the Press. He would not enter into any lengthy argument, but simply say that all the Amendments of which he had given Notice on this clause had the same object in view. These Amendments would prevent newspapers published in Ireland being dealt with under this clause, for if the Amendments were adopted, the clause would read—"Where *after the passing of this Act* any newspaper printed and published in any foreign country," &c., should be dealt with by the Lord Lieutenant. The omission of the word "wherever" would clearly make it impossible for the Lord Lieutenant to establish a censorship over the newspapers published in Ireland.

Amendment proposed, in page 5, line 14, to leave out the word "wherever."—(*Mr. Dillwyn.*)

Question proposed, "That the word 'wherever' stand part of the Clause."

SIR WILLIAM HARCOURT said, the Amendment would certainly defeat the object the Government had in view by the clause. It was quite plain that if this Amendment were accepted everything that was done by foreign newspapers could be done by Irish newspapers, and yet the latter would not come under the operation of the clause. He knew of no power of dealing with Irish newspapers, except by the process of common procedure. This clause was intended to make quite clear the power of seizure. His hon. Friend (Mr. Dillwyn) must be perfectly aware that the legality of the power which had been exercised by the Irish Government of seizing newspapers—without which he ventured to say very great evil would have ensued—had been challenged. One of the intentions of this clause was to make it quite clear that the Lord Lieutenant's power to seize newspapers was legal; and if the power were confined to foreign newspapers, the Irish Government would have no remedy against Irish newspapers, except they proceeded before a jury. The hypothesis on which they had all along proceeded was that that was no remedy at all. If this Amendment were adopted, Irish newspapers would have the power to reprint the objectionable part of a foreign newspaper, and thus do all the mischief which it was the object of the clause to prevent. He, therefore, thought his hon. Friend would see that his objection should be taken to the clause as a whole. To introduce this immunity for newspapers printed in Ireland would be to allow the whole effect of the Foreign Press to operate as strongly as it did now. It was not necessary to go into particulars. It was quite obvious that Irish newspapers could and would, if the Amendment were adopted, reprint the very passages from foreign newspapers which the Government considered so objectionable.

MR. DILLWYN said, that if Irish newspapers did reprint objectionable passages from foreign newspapers, he took it they would be liable to prosecution, such as that which the Government were now carrying on in respect to *The Freiheit.*

SIR WILLIAM HARCOURT said, the prosecution of *The Freiheit* was brought before an English jury; but if the case of an Irish newspaper were brought before an Irish jury, there would be no chance of a verdict being obtained against the paper. It was upon that hypothesis the Government had proceeded in the previous clauses, and it was upon that hypothesis they were proceeding now. If the only remedy possessed against objectionable Irish newspapers was that of proceeding before an Irish jury there would be no remedy at all.

MR. T. P. O'CONNOR observed, that as the Bill progressed the right hon. and learned Gentleman the Secretary of State for the Home Department was gradually abandoning the practice of advancing arguments in favour of the clauses he had to propose. He (Mr. T. P. O'Connor) invited the Secretary of State for the Home Department to give a single instance in which any of the newspapers in Ireland called National had reprinted from an American newspaper any matter which would come fairly within the scope of this clause. He also invited the right hon. and learned Gentleman to give the Committee a single case in which an Irish newspaper, charged with an offence against the law, had been brought before an Irish jury, and in which the newspaper had not been convicted. There were two cases quite familiar to the minds of anybody who had paid any attention to Irish history, the cases in which Mr. A. M. Sullivan, for many years a respected Member of that House, and Mr. Richard Pigott, were brought before Dublin juries for writing in newspapers objectionable matter in connection with the execution of three Irishmen in Manchester, on the charge of taking part in the rescue of some Fenians. Although Mr. A. M. Sullivan was then, as now, a man against whose respectability not a word could be uttered, he was convicted by a jury of his fellow-citizens in Dublin, and sentenced to six months' imprisonment. In the same way, Mr. Richard Pigott was convicted and sentenced to 12 months' imprisonment. The right hon. and learned Gentleman was utterly unable to give a single instance in proof of the statement that the Jury Law had broken down with regard to newspaper prosecutions in Ireland; in fact, all the cases of which they had experience went to show just the contrary. The right hon. and learned Gentleman said that Irish newspapers could, and would, if that Amendment were adopted, copy the most objectionable matter from American newspapers. The right hon. and learned Gentleman must know, as well as he (Mr. T. P. O'Connor) did, that the only Irish newspaper which, in recent days, had copied from an American paper an objectionable article was *The Dublin Daily Express*—the organ of the Conservative landlords of Ireland. He did not think the right hon. and learned Gentleman would stand up and say that if *The Dublin Daily Express* copied some other objectionable article from an American paper it would be prosecuted under the clause. The fact of the matter was that this clause was not intended to put down the wild, revolutionary, and murderous newspapers of America, of which the right hon. and learned Gentleman had given such eloquent descriptions; but the object of it was to establish a censorship over the Press of Ireland, so that any newspaper which did not suit the good graces of the Lord Lieutenant should be suppressed.

Mr. JOSEPH COWEN said, it was impossible for the Secretary of State for the Home Department to cite a single instance in which an Irish newspaper had been prosecuted, and in which a fair verdict had not been given. It was a remarkable fact that verdicts in the case of such prosecutions had invariably gone against the newspaper involved. It was, therefore, well that when a change of the law in respect to newspapers was sought, the Government should give them at least one instance where the law, as it now stood, had broken down. He hoped the hon. and learned Gentleman would see his way to take the sting out of this clause, by adopting the Amendment of the hon. Member for Swansea (Mr. Dillwyn). If any person outside Ireland wished to send newspapers into the country they would never be at a loss for the means of doing it, notwithstanding this clause. He was certain the right hon. and learned Gentleman would be aware that persons interested in the circulation of newspapers would be able to force that circulation if they were disposed to do so. There would be abundant ways of effecting that in Ireland; and, by way of illustration, he need only refer to what took place in Russia, Italy, and Austria.

Mr. NEWDEGATE said, he wished the Committee to bear in mind that an Act passed last Session gave an alternative to the owners of newspapers with respect to the Law of Libel, and that a provision which might not have been necessary previous to the passing of that Act had become most necessary after it was passed. The Act to which he referred had not attracted the amount of attention to which he thought it was entitled, inasmuch as it completely reversed the principle of Lord Campbell's Act, that principle being that the person supposed to have spoken the libel was responsible; whereas the Act of last Session made the person supposed to have spoken the libellous matter responsible, in the first instance, for the printer's conduct. Formerly, under Lord Campbell's Act, it rested with the discretion of the owner of a newspaper whether he would report libel, because he was responsible for publishing it; but the Act of last year reversed that principle, and now the person supposed to have spoken the libel was by law liable for what the owner of a newspaper chose to publish. Therefore, he thought that this precaution was fully required, owing to the change in the law made during the last few nights of the previous Session.

Mr. LABOUCHERE said, there was a distinction between a newspaper published abroad and a newspaper published in Ireland, and it was this—In the latter case, the paper was owned and published by someone in the country, and if it contained matter inciting to the commission of treason or violence, he took it that the publisher or the owner could be proceeded against under the other clause of the Act; whereas, if the owner and publisher were abroad, that would be impossible. But he thought the sting of the whole clause would be taken out by the concession which the right hon. and learned Gentleman had made; and he did not think that the clause, as altered, would create in Ireland, so far as the Press was concerned, a state of things greatly differing from the conditions which at present existed there. Yet he hoped that the right hon. and learned Gentleman would agree to the Amendment of the hon. Member for Swansea (Mr. Dillwyn), and that he would admit into the clause some definition of the word "intimidation"—say, for instance, that it should be "illegal or violent intimidation," or some such words. The Lord Lieutenant might take an exceedingly large view of what the word intimidation meant. In fact, he might sometimes come to the conclusion that landlords in Ireland were intimidated.

THE CHAIRMAN said, the remarks of the hon. Member were not pertinent to the Amendment before the Committee, which was simply to omit the word "wherever."

MR. LABOUCHERE said, he would conclude his remarks by expressing the hope that the right hon. and learned Gentleman would make the concession asked for; because, even if he did so, the Lord Lieutenant of Ireland would still be able to act as at present—that was to say, to seize any newspapers that contained matter objectionable to him. Practically, the Lord Lieutenant could do that, because he (Mr. Labouchere) took it that the only way open to a person who objected to the seizure would be the bringing of an action against the person who did it. But if the action were brought, the case would go before a jury; and, as the question would be of a political kind, he imagined that the person who brought it would not get the verdict. The Lord Lieutenant, therefore, already possessed the powers sought to be given by this clause.

MR. TREVELYAN said, the Irish Government had considered this clause very carefully from the point of view put forward by the hon. Member for Swansea (Mr. Dillwyn). They had had experience of the Act of 1870, which, as the hon. Member was aware, contained some extremely stringent clauses. Those clauses, however, had not actually been put into operation, and consequently the Irish Government came to the conclusion that in this matter they would be able to reduce coercion to a minimum. It was not the case, as had been stated by hon. Members opposite, that newspaper publishers had only quoted the extremely objectionable papers published elsewhere. He did not want, in any sense, by these remarks to inflame the character of that discussion, which he was bound to admit, up to the present time, had been extremely practical and sensible. But he must point out that the Irish Government, during the last year or 10 months, had found it necessary constantly to stop single issues of newspapers published both abroad and in England. He would give one instance in which this had taken place. There had been cases in which actual "Boycotting" notices of the strongest sort, and even notices sent by "Captain Moonlight," had been published as advertisements in local newspapers; and the Committee would see that these were cases in which some interference was necessary. Judging not by theory, but by practical experience, the Irish Executive had come to the conclusion that the power contained in this clause was sufficient for the purpose in view; but it would not be sufficient if the Amendment of the hon. Member for Swansea were accepted.

MR. SEXTON said, with reference to the fact that "Boycotting" notices had been published in Irish newspapers, he believed that they had only appeared as advertisements; but it was a characteristic feature of the Government policy that they always wanted two or three ways of doing the same thing. The Chief Secretary to the Lord Lieutenant of Ireland said the Irish Executive had reduced the clause to a minimum; but what was that minimum? It was one which would enable the Lord Lieutenant to ruin any newspaper proprietor in Ireland. Disguise it as they might, the Lord Lieutenant could ruin any newspaper proprietor there if he thought fit, and he (Mr. Sexton) challenged contradiction of that statement. Whenever the Government had brought an Irish newspaper before an Irish jury on a criminal charge, they had always succeeded in getting a verdict; and that, he contended, was a great fact in support of the Amendment of the hon. Member for Swansea. Whenever the Secretary of State for the Home Department had endeavoured to incite a feeling in that House against the Irish Members, he had not attempted to do so by quotations from Irish newspapers. He had never quoted Irish newspapers—he always quoted from *The Irish World*, or the newspaper edited by O'Donovan Rossa. He had once quoted from *United Ireland*, but the Government had already exercised against that paper the power asked for in this clause. He (Mr. Sexton) said that if the Government had only supported their proposal by quotations from American newspapers, an unanswerable case had been made out for the Amendment before the Committee.

Sir WILLIAM HARCOURT said, that, as the hon. Member opposite (Mr. Sexton) had stated that he never quoted from Irish newspapers, but only from those published in America, he would give an instance of passages of the kind which the Government thought it their duty to suppress, and he asked the attention of the Committee to a quotation, not from an American, but from an Irish newspaper (*The Clare Journal*), published on the 13th of April, 1882:—

"MOONLIGHT PLACARD."

"Men of Historic Clare and Ireland."

"This is to give you due and public notice that Pautch Cunningham, Turnpike, Ennis (father doing business for Bannatyne, Cross Road of Mills); this low-bred fellow is giving his cars this long time with impunity to the peelers to attend evictions, etc., in the County of Clare; also to King Clifford Lloyd, of Cromwellian descent, to drive him and his breed of hired assassins throughout the entire county. This Pautch Cunningham is, by all accounts, of rotten lineage, as every one of his breed in the town of Ennis are villains. For instance, 'Curse of Christ' Matty is uncle, and the rest of his gang of bailiffs are blood relations of his. Anybody, no matter whom he may be, in the town of Ennis or elsewhere, after reading or hearing of this public warning, who supplies cars to such parties, I swear by Parnell, Davitt, and Dillon, and the rest of the patriots that are pining in English dungeons, they shall die the death of Bailey, the informer of Dublin. Furthermore, no matter whom he may be that gives his cars for similar purposes in the future the same fate awaits him, if it was in ten years to come, to avenge the principal and grand object in view for the exaltation of the honest and patriotic people of Ireland."

Colonel NOLAN: I wish to ask the Home Secretary whether that appears in a Conservative newspaper?

Sir WILLIAM HARCOURT: What does that signify? The notice continues—

"Also not forgetting the low, hungry robber and degraded blackguard Maurice Quinlian, Cross of Clare Road, who is supplying cars to the enemy since the very start of the agitation, in defiance of the general wishes of the people. This low scoundrel drives himself to every eviction with an air of independence; and his brother Tom gives support to the peelers. . . . . . his horses on every occasion that arises for further coercion and persecution of our down-trodden country. . . . . . With regard to this renegade, some Land Leaguer will die the death of a traitor for entering and supporting his houses. Groves, another smart Orangeman, who has supplied his cars repeatedly, will be similarly dealt with.

"By Order,—Captain Moonlight."

"Men of Clare to the rescue."

"God save Ireland."

He thought he had now answered the challenge of the hon. Member opposite by reading a passage from an Irish newspaper. It mattered not whether the newspaper were Conservative or Liberal. A newspaper that published such an article as that ought to be suppressed, and Her Majesty's Government were now asking Parliament for the power to seize such a publication. He would give another reference to the same newspaper. When the woman who published it was called upon to give an undertaking to publish nothing of the same or similar character she gave that undertaking, but afterwards withdrew it on the statement that other newspapers in Ireland were doing the same thing. Here was a newspaper inciting to the assassination of men for no other offence than that of supplying cars which they had for hire, because it did not suit the views of "Captain Moonlight" that they should do so. It was the duty of Her Majesty's Government to arm the Irish Executive with the power of dealing with such publications.

Mr. O'SHEA thought language of the kind quoted by the right hon. and learned Gentleman could be dealt with under Clause 4 of the Bill. He understood the right hon. and learned Gentleman to say that these words were printed in *The Clare Journal*. That paper was a Conservative organ of the highest respectability; it was a paper to which he himself, in the ordinary course of business, subscribed, though pressure of affairs prevented his giving it all the attention it deserved. The proclamation was evidently given as an ordinary piece of news. He should be glad to hear from the Secretary of State for the Home Department whether such language, under whatever circumstances it might be published, could not be dealt with under the 4th clause of the Bill.

SIR WILLIAM HARCOURT said, with regard to the 4th clause of the Bill, it would, in his opinion, be a very insufficient remedy to send the person who published a newspaper to prison for six months, and allow the publication of the newspaper to continue. The object was not only to punish individuals, it was to prevent pestilent and poisonous matter being circulated throughout the length and breadth of Ireland.

MR. T. D. SULLIVAN said, if the legislation for the Press was to be based on such extreme cases in Ireland, he would be glad to know why the same legislation should not be extended to England. A few nights ago, he had quoted in that House passages of a character so abominable that he believed hon. Members were shocked by the reference which he had felt it his duty to make to them. The Secretary of State for the Home Department, it appeared, took no notice of things of this kind published in England. In order to strengthen his case, he had to go to *The Clare Journal*, and furnish a solitary extract from that paper; and it was upon that he asked the House to destroy the liberty of the Press in Ireland. Why did the right hon. and learned Gentleman not proceed against publications in England which advocated the overthrow of the Queen and the destruction of society at large—that told people there was no use in assassinating a single Monarch, Ruler, or statesman; that they must make a clean sweep of them—sharpen their knives and strengthen their arms, and drive their weapons through the hearts of their foes? This was no invention. It was only a few nights ago that he had the publication to which he referred in his hands, and he had it still in his possession. Why did the right hon. and learned Gentleman not put the law in force against some of the atrocious publications which appeared in this country from day to day? The right hon. and learned Gentleman, upon a single copy of a placard appearing in a Clare newspaper, now came forward to ask the House of Commons to sweep away the liberty of the Press in Ireland. The right hon. and learned Gentleman, the other day, compared this Bill to a fire engine to put out the fire burning in Ireland; but, by a clause of this kind, he would put out, not the fire, but the lamps which gave some glimmer of light in the darkness of that country. The result of this atrocious measure would have the effect of producing silence and darkness in Ireland; and this, it would seem, was the object which the right hon. and learned Gentleman desired to bring about. He had already prevented platforms being brought into requisition, and now he sought to prevent the Press in Ireland speaking to the people, and guiding and instructing them. Every day that passed over their heads they were confronted with the consequences which followed this baneful and oppressive legislation in Ireland; and in the face of those things, the warnings he had received, and the plain results which had followed the attempts to stifle the voice of the people, the right hon. and learned Gentleman came forward with new attempts upon the Press of the country. It was useless to protest in that House against tyranny of that kind; but Irish Members would always denounce it. The people of this country might not pay attention to their denunciations; but the Irish people would, and so would their kindred in America, who were watching the present proceedings attentively, and did not mean to forget them.

COLONEL NOLAN pointed out that the only way in which a Conservative newspaper could be supported in Ireland was by advertisements given by the agents and land-owning families who subscribed to it. In this particular instance, it was really the upper classes who were responsible for the conduct of the newspapers. In legislating for matters of this kind, where a gentle remedy could be used, it was a great mistake to adopt a violent and unusual one. In the case in question, the practical remedy would have been for some of the gentlemen who subscribed to the paper to have remonstrated with the editor, and to have intimated that they would cease to be subscribers; but to say that the whole of the Press of Ireland was to be manacled, because a Conservative paper printed such an extraordinary article, was really going too far. Common sense would tell them at the present moment the attitude the Conservative Party had taken up on the agitation in Ireland. But it did not matter whether these things were published in a Conservative paper or not, no one in authority seemed to raise any objection. It was possible that objectionable articles might be published in other newspapers; but even if they were, it would be a strong measure to take to stop the mouth of the whole of the Press in consequence. In the case of *The Dublin Daily Express*, when they took into consideration the class of people that supported the paper, it surely was hardly fair for the Secretary of State for the Home Department to quote the case against the whole of the Irish Press.

Sir H. DRUMMOND WOLFF said, he wished to make an appeal to the Government with regard to a Bill down for consideration, that night—namely, the Settlement and Removal Law Amendment Bill. That was a measure considered by Members on that (the Conservative) side of the House as of very great importance. They had not blocked it, for the simple reason that they did not wish to interfere with the progress of Government Business—they did not want to offer a factious opposition to it. The second reading of the Bill ought not to be taken at an unreasonable hour. [*Cries of* "Order!"] Hon. Gentlemen seemed to think that he was out of Order in referring to another Bill in Committee upon the Prevention of Crime (Ireland) Bill; therefore he would move to report Progress. It was a strange thing that no one could ever speak on that side of the House without being received with interruptions by the other side. He desired, in the most respectful way, to appeal to the Government to allow Progress now to be reported, in order that the Bill to which he was referring could be brought on — or he wished to receive a pledge from them that the measure would not be taken that night. No one on the Conservative side wished to obstruct the Bill. His own constituents, and, no doubt, the constituents of many other hon. Members, were very deeply interested in the matters dealt with in the Bill; and he would, therefore, *pro formâ*, move to report Progress, in order that the Government could consider the point he had raised, and, if they thought it desirable, allow the Settlement and Removal Bill to come on. The debate on the present clause of the Prevention of Crime (Ireland) Bill appeared to be one which was hardly likely to come to a speedy termination.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir H. Drummond Wolff.*)

Sir WILLIAM HARCOURT said, the Government had been making great exertions and great sacrifices, and so, also, it was only fair to say, had the Opposition, in order to make progress with the Prevention of Crime (Ireland) Bill. There seemed to be a disposition on the part of the Committee to go on with the measure, and to make some further progress with it that night; and he, therefore, sincerely trusted that the hon. Gentleman opposite (Sir H. Drummond Wolff) would not persist in his Motion to report Progress. The debate on the present Amendment had been very exhaustive, and he thought that a division might very soon be taken upon it.

Sir STAFFORD NORTHCOTE said, he did not think his hon. Friend (Sir H. Drummond Wolff) wished to stop the discussion upon the Amendment before the Committee. All he desired was to elicit a promise from the Government that the other Bill would not be taken that evening.

Sir WILLIAM HARCOURT said, the Government never had the remotest intention of proceeding with the second reading of the Settlement and Removal Bill that evening, and why the hon. Member should have thought they had he could not understand. The same question might be asked with regard to any Bill, and it was a most unusual thing to interrupt the progress of one measure in order to ascertain what was likely to be done with another.

Sir H. DRUMMOND WOLFF said, he really did not think the right hon. and learned Gentleman the Secretary of State for the Home Department had any right to lecture him upon the matter. The right hon. and learned Gentleman might lecture hon. Members on his own side of the House; but that was no reason why he should venture to do the same to hon. Members who sat opposite to him. There was no reason why the Settlement and Removal Bill should not be brought forward that evening. There was no Amendment to it; it was not blocked; and he (Sir H. Drummond Wolff) only feared that it might be the intention of the Government to smuggle it through the House without debate, if possible.

SIR R. ASSHETON CROSS: Are we to understand that the Settlement and Removal Bill will not be taken to-night?

SIR WILLIAM HARCOURT: I have always understood that when a Member of this House once makes a promise he is not expected to repeat it.

SIR H. DRUMMOND WOLFF: The right hon. and learned Gentleman did not make a promise in the first instance; but now that he has done so, I beg to withdraw the Motion for reporting Progress.

THE CHAIRMAN: Is it your pleasure that the Motion be withdrawn?

MR. O'CONNOR POWER said, he hoped it was not too late to make an observation upon this matter. He was in favour of the Motion to report Progress for, he thought, a much better reason than that advanced by the hon. Gentleman who had just spoken—namely, for the reason that the Irish Members, who had taken an active part in advancing Amendments to and in the discussion of the Prevention of Crime (Ireland) Bill, had made as many sacrifices in the interest of Public Business as the Government or the Conservative Opposition, and to do their duty they would have to be in the House again at 2 o'clock the next day at the Morning Sitting. Under the circumstances, it was surely a reasonable thing that Progress should be reported, seeing that it was now nearly half-past 1. During the time he had been in the House he had always consistently opposed any attempt to continue any discussion on grave public questions at an unreasonably late hour. Well, this was an unreasonably late hour. The clause of the Bill they were on was a very important one, and, without any reference at all to the Notice of the hon. Gentleman (Sir H. Drummond Wolff) near him, he trusted that the Motion to report Progress would be adhered to, and that the Government would agree to it. This question as to the liberty of the Press in Ireland was one that could not be disposed of that night. He set the highest value on the concessions the Government had already made in striking out so many sub-sections of the clause. It seemed to him to show a very good spirit on their part, and to that spirit, so far as he was concerned, he would very gladly respond; but, at the same time, he thought they had reached such a late hour on a matter of such importance that it was highly desirable that Progress should be reported.

MR. RAIKES hoped the Committee would allow the hon. Member for Portsmouth (Sir H. Drummond Wolff) to withdraw his Motion, as it had only been made for the purpose of eliciting some statement from the Government with regard to another Bill. The Secretary of State for the Home Department had made the required statement in a very fair way, and, the purpose of his hon. Friend having been entirely met, he trusted he would now be allowed to withdraw his Motion. So far as he (Mr. Raikes) was concerned, he could not see why this question of the liberty of the Press in Ireland could not be discussed for at least another hour. Members on that (the Conservative) side of the House were not anxious to interfere with the progress of this Bill through Committee.

MR. TREVELYAN said, that with reference to the observations that had fallen from the hon. and learned Member for Mayo (Mr. O'Connor Power) he (Mr. Trevelyan) had watched the progress of this discussion with the greatest interest, and had noticed that so representative a Member on this question as the hon. Member for Newcastle (Mr. Joseph Cowen) appeared to think that, now the Government Amendments were on the Paper, his principal objections were removed, and that the fears of other hon. Members as to the objectionable character of the clause were removed. The clause, as it stood, simply gave the Lord Lieutenant a power that he had practically been exercising for the past year or 18 months. He (Mr. Trevelyan) could not help thinking that the discussion on the question as to whether that power should be put into this Bill had proceeded, at any rate to a satisfactory length, and he earnestly trusted that the Committee would permit them now to add the clause to the Bill. He must admit that he thought that hitherto the progress which had been made with the Bill had not quite answered to the number of nights which had been spent upon it. If the Government could get this clause they would gladly accede to the wish of the hon. and learned Member for Mayo (Mr. O'Connor Power), and agree that Progress should be reported.

Mr. PARNELL said, he never yet had seen a Minister of the Crown who had anything to do with the progress of a measure through that House satisfied that the advance of that measure was proportionate to the amount of time devoted to it; and he did not know why the right hon. Gentleman the Chief Secretary for Ireland should be an exception to the general rule. He (Mr. Parnell) agreed with the hon. and learned Member for Mayo (Mr. O'Connor Power) that they ought not to be called upon to vote away the liberty of the Press in Ireland in a single hour. Though it was true that the Amendments of the right hon. and learned Gentleman the Secretary of State for the Home Department did away with a great many of the objections the Irish Members felt to that clause, still this was, no doubt, a section of the Bill which, even in its shortened condition, retaining only the 1st sub-section, gave enormous powers to the Executive in Ireland over the freedom of the Press in that country; in fact, it practically put newspaper editors at the mercy of the Executive authorities. The Lord Lieutenant practically had power now to seize newspapers that he considered objectionable, and there was no way in which newspaper proprietors could prevent the exercise of that power, because it would rest upon a newspaper proprietor to bring an action against the authorities, and everyone must know that it would be impossible for a journalist in Ireland to obtain a verdict from a jury that would be empannelled on such a case, party feeling running so high. As to the other clauses—Clauses 1 and 4—the Government had taken ample, nay, more than ample power to deal penally with editors of newspapers, and they had made out no case why this additional power that they sought should be granted. It was true the Secretary of State for the Home Department had attempted, for the first time on this Bill, to justify the provisions in question—for the first time he had given them an example. Undoubtedly the right hon. and learned Gentleman had selected his example most unfortunately, because he had chosen to refer to something which had appeared in a Conservative paper, a landlord journal, in the County of Clare. In this case, the offence of "Boycotting" was illustrated, and what was the intention with which this Conservative paper had published a "Boycotting" notice? It was to show what a heinous institution the Irish National Land League was when such a notice could be issued apparently in its name. Such was the example the right hon. and learned Gentleman was content to select as a justification for the demand he made for this extra power. He (Mr. Parnell) would challenge the right hon. and learned Gentleman to select a single passage from any popular newspaper in Ireland upon which charges of this description could be founded. He (Mr. Parnell) knew, as a matter of fact, that no popular newspaper during the whole of last winter dared publish such an extract as that which the right hon. and learned Gentleman had referred to. If any popular journal had done so, the editor would have been arrested under the Coercion Act by the Chief Secretary for Ireland, and sent to Kilmainham. On the contrary, Irish popular journals during the past six or seven months had been exceedingly careful with regard to the original matter they admitted into their columns. He would call on the Secretary of State for the Home Department to give any passage from *United Ireland* newspaper —which had been seized in innumerable instances last winter—upon which such a charge as that the right hon. and learned Gentleman had made against a Conservative paper could be founded. Why was not the editor of that Conservative journal, from which the right hon. and learned Gentleman had read an extract, arrested under the Coercion Act? Simply because the newspaper was Conservative, and because the object of that incitement to assassination by the editor of that journal was for the purpose of running down the Land League and showing up its work. The suggestion he (Mr. Parnell) would make as to this question of Progress would be this. He believed the hon. Member who had moved the Amendment did not intend seriously to press it. In that case, let the Committee go on with the discussion upon the Amendments before them until they came to a point upon which there was a serious difference of opinion. When that serious difference arose then let them report Progress.

Motion, by leave, *withdrawn.*

MR. DILLWYN said, he quite admitted that the principal objection he had to the clause would be removed by the Amendments the right hon. and learned Gentleman the Secretary of State for the Home Department had given Notice of. At the same time, he was far from being enamoured of the clause, even as it would stand. It would place the Press in Ireland under the power of the Lord Lieutenant. However, hon. Gentlemen opposite did not seem to feel such a strong objection to the clause now that it was to be amended. [*Cries of* "No, no!"] At any rate, a great deal of the objectionable character of the clause had been removed; and, seeing that that was the case, he was willing to withdraw his Amendment, if it was the pleasure of the Committee that it should be withdrawn. He thought it was desirable that they should come to a decision upon the clause that night.

MR. HEALY said, it seemed to be the impression of the Government that because they had put ballast in their ship, which they could throw out at any moment to suit the winds, therefore hon. Members must agree with them. Surely they could not expect to pass the clause as it stood. They had put things into it, for the purpose of taking them out, and he should like to ask the Secretary of State for the Home Department a few questions with regard to this power of seizure. Would the Lord Lieutenant order such a paper as *The Glasgow Herald* to be seized, when sent over to Ireland; *Town Talk*, Bradlaugh's journal, and immoral journals generally? Would these papers be liable to seizure? There were a number of journals that he, for his own part, should be happy to lay an information against if he thought it would conduce to their seizure. He did not see why an offence against morality should not be as objectionable to the Secretary of State for the Home Department as anything else. Surely the right hon. and learned Gentleman would not maintain that temporal affairs were of more importance than spiritual. A prosecution had been instituted against *Town Talk*, and most people knew the character of that journal. Would he allow such a publication as that to circulate in Ireland?

Main Question put.

The Committee *divided*:—Ayes 143; Noes 33: Majority 110.—(Div. List, No. 156.)

THE CHAIRMAN: I must point out to the hon. Member for Sligo (Mr. Sexton) that if his Amendment which stands next on the Paper is negatived, a similar Amendment in the name of the hon. Member for the City of Cork (Mr. Parnell) cannot be put, as it contains the same matter substantially. I do not know, therefore, whether the hon. Member intends to proceed with his Amendment. The Amendment of the hon. Member for the City of Cork goes more into detail than that of the hon. Member for Sligo.

MR. SEXTON: In that case I will withdraw my Amendment.

MR. PARNELL said, he would move an Amendment with the object of providing that where a newspaper was seized, the editor, or other person responsible for the publication, might know what the objectionable matter was, and so might prevent its re-publication in subsequent issues.

Amendment proposed,

In page 5, line 20, at end, to add, "In every case where copies of a newspaper are seized the order directing the seizure shall specify the matter objected to."—(*Mr. Parnell.*)

Question proposed, "That those words be there added."

SIR WILLIAM HARCOURT said, he had no objection to the Lord Lieutenant, in taking so strong a measure as seizing a newspaper, setting forth the reasons in the order of seizure.

MR. GIBSON thought it necessary that the Committee and the Government should realize what would be the effect of the Amendment if it was accepted. If it was put in the Bill, it had better be worth something; but if the clause was altered, as this Amendment proposed, it would be impossible to work it. The sub-section of the clause only enabled the Executive to seize a particular issue of a newspaper; but if the Lord Lieutenant, before he seized a newspaper which was printed and turned out complete, was to have before him the whole of the printed matter, and introduce it into the warrant, the paper would be circulated throughout the land before the Government stopped it.

Sir WILLIAM HARCOURT did not understand that the statement of the reasons was to be precedent to a seizure. The seizure would take place, and then, afterwards, the parties affected would have supplied to them, under the clause, a copy of the order of the Lord Lieutenant directing such seizure, and specifying the matter in such newspaper which appeared to the Lord Lieutenant to be calculated to incite to treason or any act of violence. The Lord Lieutenant might make up his mind to seize a newspaper, on the ground of certain passages which it contained; and he (the Secretary of State for the Home Department) conceived it would be sufficient, when the Lord Lieutenant made up his mind, that he should cut out the passages necessary to the seizure, and specify them as the ground of the seizure. The seizure must be due to certain passages. The Amendment provided that—

> "In every case where copies of a newspaper are seized, the order directing the seizure shall specify the matter objected to."

Therefore, if the Lord Lieutenant had made up his mind to seize a newspaper, he must have made up his mind as to the objectionable passages therein, and must have seen the newspaper. That was the practice at present; the Lord Lieutenant seized the newspaper, and specified the grounds. No doubt, this was an imperfect provision; but it was one which the Irish Government believed to be of practical utility, for they could, under this provision, practically control the Press. That being so, he thought that when the Lord Lieutenant saw a newspaper, he made up his mind as to the passages upon which it should be seized, and ought to give to everybody affected a statement of the passages which had led to the seizure.

Mr. GIBSON said, he had listened with great attention to the right hon. and learned Gentleman, and he would only make this criticism upon what he had said—that part of the Press which he considered it of the first importance to deal with was the Foreign Press—copies of newspapers coming from America, pouring out nothing but the most dangerous matter that could be conceived for a country like Ireland, in its present state. If the Amendment was applied to the whole clause, it would not apply to those terrible publications from America in the same way as to those in Dublin. The Irish Government would be apprised, by telegram or otherwise, that *The Irish World*, or some other American paper, contained in a particular impression a lot of treasonable matter. If an order could not be issued to seize such a paper, without the passages being quoted, it would be impossible to prevent the circulation of papers which would do the greatest harm. He would suggest that the Secretary of State for the Home Department should consider whether it would not be desirable to put in some words excluding from this Amendment papers brought from abroad.

Mr. T. D. SULLIVAN said, an instruction was once given to a reviewer to cut the leaves of a book and then smell the paper knife, and that was what the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) seemed to wish to have done with regard to Irish newspapers. It would suffice for the Lord Lieutenant to smell treason in them without reading them at all. He was really astonished to hear the right hon. and learned Gentleman, representing such a centre of enlightenment as Trinity College, Dublin, recommending such a mode of treating the Press. Surely it was not too much to ask that the Lord Lieutenant, before ordering the suppression of a newspaper, should himself see what it contained, and form his own opinion as to the character of the contents. If he concluded that the matter was either treasonable, seditious, or intimidating, it would not take him very long to have the objectionable passages copied; but the right hon. and learned Gentleman the Member for the University of Dublin required that the Lord Lieutenant should not wait at all, although it would not take him more than three minutes to select from the paper the objectionable passages and put them into the warrant. It was really too bad that even the safeguard given by the Amendment, requiring that the Lord Lieutenant should read the papers himself, and form his own opinion, should, it was suggested, be refused. It was not very much of a safeguard; but even that the right hon. and learned Gentleman the Member for the seat of learning in Dublin, where it might be supposed some regard would be had for enlightenment and education, proposed should not be allowed.

SIR STAFFORD NORTHCOTE said, he thought the Government appeared to be accepting this Amendment rather hastily, and without sufficient consideration; and there was one point he should like to understand. He presumed the object of the Government was to stop the circulation of papers containing mischievous notices throughout the land; and if, in that case, they were compelled to cite the objectionable passages to enable them to suppress the newspapers, would they not be publishing precisely what they wished to suppress? Or was a private communication to be given to the newspapers? If it was to be provided that the paper was to be stopped by the objectionable passages being cited, surely that was giving publicity to the very passages it was desired to suppress. He would suggest to the Government that they should let this matter stand over to the Report, and see in what way they could meet the question, which was, no doubt, worthy of consideration, and with which, he thought, they were acting rather hastily in accepting the Amendment.

SIR WILLIAM HARCOURT thought the objection of the right hon. Gentleman opposite (Sir Stafford Northcote) would apply to any publication, because to set out any passages in the newspaper objected to obtained for those very passages publicity. That was the objection to the prosecution of *The Freiheit*. He wished the right hon. Gentleman to see what the Amendment provided, and how it bore upon the clause. The only power in the clause was—

> "Any copy of such newspaper, appears to the Lord Lieutenant to contain matter inciting to the commission of treason," &c.

The Lord Lieutenant must, therefore, be cognizant of the newspaper before he could act; and the only question was one of how he was to set out the matter. There was some difficulty in imposing the duty of setting out the whole of the matter before the seizure. He thought the Lord Lieutenant ought to state, some time or other, what it was that had led to the seizure. Therefore, if the hon. Member for the City of Cork (Mr. Parnell) would agree not to make that statement a condition of the seizure, but that the statement should follow immediately on the seizure, and afterwards be accessible to the parties who were subject to the seizure, he would accept this Amendment, not as a precedent for procedure, but only as a statement of the grounds of the seizure, in order that the people concerned might learn those grounds. If the hon. Gentleman would accept that modification of the Amendment, he thought it would be better to defer the consideration of it. With that view, he would be willing to accept the Amendment.

MR. O'KELLY thought the Government ought to give an assurance that when a Conservative newspaper published any matter, which, if published in a national newspaper, would form a ground of prosecution, the same action should be taken as against the National paper. What had been the case in the last year? Some of the passages quoted in that House as the strongest evidence against liberty of the Press in Ireland were published in a Conservative paper in Ireland. In this matter there ought to be something like even-handed justice, and the Government ought, at least, to give an assurance that they would act in the same way in regard to a Conservative paper as to a National paper.

MR. PLUNKET said, whenever he had seen any of these passages in a Conservative paper, they had been accompanied by editorial condemnations. That was a very different thing from publishing those passages with expressions of approval, as was often done.

MR. PARNELL said, he was sorry to say that he could not accept the suggestion of the Secretary of State for the Home Department, because one of his objects was to provide that the Lord Lieutenant should have seen a newspaper before he ordered its seizure, and examined the objectionable passages. He wished to remind the right hon. and learned Gentleman and the Committee that the reason put forward by the Front Opposition Bench to induce the right hon. and learned Gentleman to make a change in the Amendment was that it might be inconvenient for the Government in dealing with foreign newspapers, which might get into the country and be circulated, if they had no opportunity of seeing and seizing them. He thought it so desirable that proper precautions should be taken with regard to Irish newspapers—that was to say, that there should be no risk in their case—that he would suggest that, if the right hon. and learned Gentleman desired, on Report, to introduce some special provision to meet the case raised with regard to foreign newspapers, that would be very fair. But he did think that it would be desirable to require that the Lord Lieutenant should have seen a newspaper before seizing it. There was no practical inconvenience in this course, because the newspaper could not be circulated through Dublin without the Lord Lieutenant having an ample opportunity of seeing it. With regard to country newspapers, their circulation was very limited; but the Lord Lieutenant would be able to get information by telegram as to any contents which might be objectionable. He hoped the Secretary of State for the Home Department would allow the Amendment to pass as it was; and then, before Report, they might consider what modification should be introduced to meet the objection as to foreign papers. After the Government had admitted the principle of the Amendment, he thought it was only fair that they should introduce the sub-section into the Bill; and then, on Report, it would be permissible for the right hon. and learned Gentleman to propose any modification.

Mr. TREVELYAN said, he had listened to the speech of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) with great interest, because the right hon. and learned Gentleman was evidently going through the same process as he (Mr. Trevelyan) himself had gone through some weeks ago upon a question with regard to which he had made some particular inquiries. When he first went to Dublin, he did not understand the process by which a single issue of a newspaper enabled the Government to obtain such a hold over the more dangerous ebullitions from the Press; but when he saw how the work was done he understood it quite well; and, in regard to newspapers in Ireland, he was perfectly satisfied that the Amendment of the hon. Member for the City of Cork (Mr. Parnell) might be adopted with perfect security. The form of the seizure order would run in this way—"Whereas a newspaper, entitled so-and-so, and dated so-and-so, appears to us to contain, in a passage therein, commencing with the word so-and-so, and ending with the word so-and-so, matter inciting to violence or intimidation. Now, we hereby order all copies of the said newspaper to be seized, and we authorize you to seize the same accordingly." It was quite obvious that that was as short an order as could be given to an Executive officer. With regard to newspapers published abroad, he realized the difficulty referred to; but as the Government recognized the principle of the Amendment with regard to Irish newspapers, and as they had engaged to deal with the difficulty raised by the right hon. and learned Gentleman the Member for the University of Dublin as to papers published abroad, he thought the principle might be embodied in the clause now, and any modification left for Report.

Sir WILLIAM HARCOURT said, that, after what his right hon. Friend (Mr. Trevelyan) had said, he hoped the hon. Member for the City of Cork (Mr. Parnell) would postpone his Amendment until Report. The Amendment of the hon. Gentleman would be taken as bearing upon home newspapers, and, by Report, they would have an opportunity of considering what form would be required to deal with foreign newspapers.

Mr. PARNELL understood the right hon. and learned Gentleman the Secretary of State for the Home Department to adopt substantially the provision contained in his (Mr. Parnell's) sub-section with regard to home newspapers, reserving to himself the right to bring up, on Report, a special provision with regard to foreign newspapers. Upon that understanding, he would ask leave to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Mr. PARNELL said, he would like to move, *pro formâ*, an Amendment, providing that in case of seizure the person who executed the seizure should take with him a copy of the order authorizing the seizure. He could understand it would be, perhaps, inconvenient to present the order in cases where papers were seized from street vendors; but he thought that, in the case of tradesmen who sold papers over their counters, the constables making the seizure should be required to show that they had legal authority.

SIR WILLIAM HARCOURT asked the hon. Gentleman to let the proposed Amendment stand over until Report. It was very proper that the person interested ought to be furnished with information as to the ground on which the seizure had been made; but what limitations should be put upon that required some consideration. In principle, the ground on which the seizure was made ought to be accessible; but he would like time to consider how the thing should be carried out.

MR. PARNELL said, he would defer the matter for Report, and he would also defer until Report the introduction of a third sub-section he had to propose to the clause.

SIR WILLIAM HARCOURT said, he would now move the Amendment which stood in his name, which practically amounted to the omission of Sub-sections 2, 3, 4, 5, and 6, from the clause.

Amendment proposed, to leave out all the words from the word "Where," in line 21, page 5, to the word "unincorporate," in line 9, page 6.—(*Secretary Sir William Harcourt.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR STAFFORD NORTHCOTE said, that, of course, the omission of these sub-sections very materially weakened the power of the Government to deal with the Press. The clause, as originally framed, gave the Lord Lieutenant, in the first instance, power to seize and stop any particular newspaper; and subsequently, if he had reason to believe that the paper was altogether objectionable, he had power to deal with the paper by way of forfeiture. The Government now thought it unnecessary to proceed with the latter part of the clause. So far as papers published in Ireland were concerned, he (Sir Stafford Northcote) had no wish to say anything to challenge their discretion in the matter; but he would ask the right hon. and learned Gentleman the Secretary of State for the Home Department to consider whether the same measure ought to be applied to foreign newspapers as he proposed to apply to Irish newspapers. He thought that in the event of its appearing that some particular newspaper, published abroad, and regularly forwarded to this country and to Ireland, was incorrigibly bad, and was continually publishing mischievous and dangerous matter, it was worthy of consideration whether power should not be reserved to the Government to stop the circulation of that paper in England or in Ireland? He did not ask for an answer at that moment; but he thought the question was one which deserved consideration, and which, perhaps, the Government would consider before the Report of the Bill.

SIR WILLIAM HARCOURT said, the matter referred to by the right hon. Gentleman opposite (Sir Stafford Northcote) had been very carefully considered. The right hon. Gentleman, however, would observe that the sections it was proposed to omit never could have applied to foreign newspapers. He (Sir William Harcourt) would like to say, in a few words, why the Government abandoned these sections. When the Government proposed to have caution-money, they had great difficulty in knowing what to do with the recognizances when they were forfeited. The ordinary way of dealing with recognizances would have been to refer them to a jury; but he had already said that that would be of no avail. What were they to do upon the question of determining whether a paper, having given caution-money, had not forfeited its recognizances? The Government felt that there was a very great difficulty in referring Press questions to the Judges; and in considering whether the determination of the question should be left in the hands of the Lord Lieutenant, they felt very strongly the objections which were urged to the making of the Lord Lieutenant the Judge upon the forfeiture of recognizances. These were the grounds which induced the Government to abandon these sections, coupled with the fact that the Irish Government had found the power which they were practically exercising at present was sufficient to deal with the matter.

Mr. T. D. SULLIVAN said, the right hon. and learned Gentleman the Secretary of State for the Home Department need not have apologized for the omission of these sections. The Irish Members only wished he would go a little further and strike out the whole clause.

Question put, and *negatived;* words *struck out* accordingly.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 99; Noes 26: Majority 73.—(Div. List, No. 157.)

Clause *ordered* to stand part of the Bill.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Secretary Sir William Harcourt.*)

Mr. HEALY said, that before the Motion was put he would like to remind the right hon. and learned Gentleman the Secretary of State for the Home Department that the Committee had now waited more than a week, and they had not yet seen the clauses which the Government proposed to bring up with relation to combinations and associations.

Sir WILLIAM HARCOURT said, he had put the clauses on the Paper that night. Hon. Gentlemen would see them to-morrow.

Question put, and *agreed to.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

COPYRIGHT (MUSICAL COMPOSITIONS) BILL.—[Bill 161.]

(*Mr. Gorst, Mr. Arthur Balfour, Mr. Beresford Hope, Viscount Folkestone.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Printed notice restraining public performance).

Question proposed, "That the Clause stand part of the Bill."

Viscount FOLKESTONE said, that before the clause was passed he would move the addition of the words "of every edition and every published copy" after the word "cover," in line 13.

Amendment proposed,

In page 1, line 13, to add, after the word "cover," the words "of every edition and of every published copy."—(*Viscount Folkestone.*)

Amendment *agreed to;* words *added.*

Question, "That the Clause, as amended, stand part of the Bill," put, and *agreed to.*

Clause 2 (Action for penalties under 3 and 4 W. 4, c. 15, to be dismissed in certain cases).

Question proposed, "That the Clause stand part of the Bill."

Viscount FOLKESTONE moved, as an Amendment, in page 1, line 19, to leave out "incumbent upon the proprietor of such copyright," and insert "necessary." The noble Viscount said, it did not appear to be generally understood that the owner of the copyright and the owner of the performing right were two distinct persons. If the word "necessary" were inserted, the clause would not point at the wrong person, as it did at present.

Amendment *agreed to;* word *substituted.*

Viscount FOLKESTONE moved, as an Amendment, in page 1, line 21, to insert after "Act"—

"Or that, in the case of musical compositions printed before the passing of this Act, and in which such right of public representation or performance and such copyright are not vested in the same person, and notice to the like effect has within six months after the passing of this Act been given by the person in whom such right of public representation or performance is vested to the person in whom for the time being such copyright is vested."

The noble Viscount said the object of the Amendment was that people who wished to sing a song, and who did not know in whom the right of public performance was vested, should have a ready means of ascertaining the fact. At present there were no means of ascertaining the fact; but under this Amendment it would be necessary that the person in whom the copyright was vested should keep a list in his shop, or place of business, of the names of those in whom the right of public performance was vested.

Amendment proposed,

In page 1, line 21, after "Act," insert "or that, in the case of musical compositions printed before the passing of this Act, and in which such right of public representation or performance and such copyright are not vested in the same person, a notice to the like effect has within six months after the passing of this Act been given by the person in whom such right of public representation or performance is vested to the person in whom for the time being such copyright is vested."—(*Viscount Folkestone.*)

Question proposed, "That those words be there inserted."

MR. WHITLEY doubted whether the Amendment would really carry out the intention of the noble Viscount. It was proposed that notice should be given by the person in whom the right of public representation or performance was vested to the person in whom the copyright was vested.

VISCOUNT FOLKESTONE said, that that was not the person performing.

MR. WHITLEY said, assuming that a person had not given that notice at all, and brought an action for penalties——

VISCOUNT FOLKESTONE said, it was only in regard to the performing right that they would wish that an action for penalties should be brought.

MR. GORST said, the Amendment carried out the object of the noble Viscount. The owners of the performing right in some cases were not the owners of the copyright, and a person who sang a song, if he wished to retain the performing right, would give notice to the person who owned the copyright. A person, therefore, to find out if a certain song could be sung, would have to go to the owner of the copyright for information. That was the law, whether it was a protected song or not.

Question put, and *agreed to;* words *inserted.*

Question, "That the Clause, as amended, stand part of the Bill," put, and *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow,* at Two of the clock.

PETTY SESSIONS (IRELAND) BILL.

[*Lords.*]—[BILL 203.]

SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he did not propose to offer any opposition to the second reading, and he only reserved to himself the right in Committee to move the omission of a couple of lines, so that the Act would allow anybody to appear to represent himself.

Bill read a second time, and *committed* for *Monday* next.

HIGHWAY RATE AND EXPENDITURE BILL.

On Motion of Mr. DODSON, Bill to extend certain provisions of "The Poor Rate Assessment and Collection Act, 1869," to the Highway Rate; and for other purposes, *ordered* to be brought in by Mr. DODSON and Mr. HIBBERT.

Bill *presented,* and read the first time. [Bill 209.]

House adjourned at half after
Two o'clock.

HOUSE OF LORDS,

Tuesday, 20th June, 1882.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Lunacy Districts (Scotland)* (117); Interments (felo de se) (130); Local Government Provisional Orders (No. 2)* (134); Local Government Provisional Orders (No. 4)* (150); Local Government Provisional Orders (No. 6)* (135); Local Government Provisional Order (No. 7)* (145); Local Government Provisional Order (No. 8)* (146); Local Government Provisional Orders (No. 9)* (147); Local Government Provisional Order (No. 10)* (136); Local Government Provisional Order (No. 11)* (152); Local Government (Gas) Provisional Order* (144); Local Government (Ireland) Provisional Orders (No. 2)* (132); Local Government (Ireland) Provisional Orders (No. 3)* (133); Local Government (Ireland) Provisional Orders (No. 5)* (153); Land Drainage Provisional Order* (131); Pier and Harbour Provisional Orders* (148); Tramways Provisional Orders (No. 3)* (149); Customs and Inland Revenue Buildings (Ireland)* (142).

Select Committee — Report — Roads Provisional Order (Edinburgh)* (78).

Committee — Tramways Provisional Orders (No. 2)* (126).

*Committee—Report—*Election of Representative Peers (Ireland)* (137); Public Health (Fruit-Pickers' Lodgings)* (127); Local Government Provisional Order (Artizans' and Labourers' Dwellings)* (121); Intermediate Education (Ireland)* (138).

*Third Reading—*Elementary Education Provisional Orders Confirmation (Finchley, &c.)* (63), and *passed.*

INTERMENTS (FELO DE SE) BILL.

(*The Earl Fortescue.*)

(NO. 130.) SECOND READING.

Order of the Day for the Second Reading read.

EARL FORTESCUE, in moving that the Bill be now read a second time, said, that the Bill in question had already passed through the House of Commons without opposition. The former legal requirements for the burial of persons who had committed *felo-de-se* were well known. They had to be interred at the junction of four cross roads, with a stake driven through them, and without any religious service whatever. Most of these had been repealed nearly 50 years ago by an Act which admitted the suicide's corpse to the parish churchyard, but required interment to take place between 9 and 12 at night within 24 hours of the finding of the verdict; and that had been interpreted to mean privately by the police. Besides, a religious service would now be performed over them under the recent Burial Act. The object of the Bill was to allow persons who had committed suicide to be buried by their relatives instead of by the police, and at a reasonable hour instead of at night.

Moved, "That the Bill be now read 2ª."—(*The Earl Fortescue.*)

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

PARLIAMENT — PUBLIC BUSINESS — THE HOUSE OF LORDS—THE LOCAL GOVERNMENT BILL.

QUESTION. OBSERVATIONS.

THE EARL OF CAMPERDOWN asked, Whether the Government would, in consideration of the present state of public business, introduce the Local Government Bill in the House of Lords? In reply to the noble Earl (the Earl of Onslow) some time ago, the Government had stated that the Bill would be brought in in the House of Commons; but during the interval which had elapsed circumstances over which they had no control had prevented Her Majesty's Government from introducing the measure. Unfruitful as was the last Session in legislation on subjects of general public interest, the present Session promised to be still more unfruitful. At the present time two important Irish Bills were preventing the progress of all other Business, and they were proceeding at a rate which might be compared with that of a yacht in a calm. It seemed probable that most of the important Bills announced in Her Majesty's Gracious Speech would not even be introduced in Parliament, and it seemed certain that they would not pass any legislation of public interest. No measure announced in the Speech from the Throne had attracted more attention than the Local Government Bill. It having been long recognized that our present system was in a state of confusion, several successive Governments had announced their intention of dealing with the subject, and a measure was very anxiously expected by the country. Any Bill that might be introduced must be thorough and comprehensive, and considerable time must be given to its consideration. If the Government hoped to legislate on the subject next Session, it would be well to bring in a measure without delay, so that Parliament and the country might have ample time to study its provisions. What reason, he asked, existed for refusing to introduce the measure in their Lordships' House, whose Members ought all to be well acquainted with the subject of local government? The question was not a Party one, and the present Government would, perhaps, be better able than the Party opposite to handle the subject efficiently, since it was generally recognized that the changes which ought to be made must interfere, to a considerable extent, with the privileges at present possessed by the magistrates. It was said that the Bill dealt with local taxation, and, therefore, was a Money Bill, and could only be brought in in the House of Commons. Well, the relations between the two Houses were well known, and the House of Commons could take care of its own privileges. The House of Commons had never shown itself either unwilling or unable to guard its privileges; and if that House was at any time of opinion that those privileges had been infringed by their Lordships dealing with a subject which might be supposed more peculiarly to belong to them, they had the remedy in their own hands—namely, that of throwing out the Bill sent down by their Lordships. Looking at the present condition of Business, he believed the House of Commons would think that their Lordships were performing a public service by discussing a question which could not but be of very great importance. The argument to which he had just adverted had often been disregarded, notably in the case of the Rivers Conservancy Bill, which was introduced in their Lordships' House, and by which it was proposed to tax every parish in the Kingdom. Seeing that, from the stagnation of Business in the House of Commons, the Local Government Bill could not be introduced there, he begged to ask the Government whether they would not give their Lordships an opportunity of considering it?

LORD CARRINGTON said, that a month ago, when the noble Earl (the Earl of Onslow) brought this question before the notice of their Lordships, he did not attempt to argue as to facts; but, anticipating the answer he was about to receive, he sought to demolish the arguments on which he thought it would be based; and it appeared to him the noble Earl (the Earl of Camperdown) had proceeded upon the same lines. The noble Earl had adduced as an argument in support of his request the fact that the Rivers Conservancy Bill was introduced in their Lordships' House. But that Bill dealt with other matters besides the question of local taxation—the conservancy of rivers, for instance, and the prevention of floods; and the clauses relating to local taxation were sent to the other House in red ink. But the most conclusive answer to his noble Friend's contention was the statement made in "another place" by the Prime Minister, who declared, on April 24, that the Bill could not be proceeded with this Session. It should be remembered that the County Government Bill, which the Government intended at one time to introduce, would create in counties a new authority analogous to that now existing in municipal boroughs, who would be intrusted with the management of the whole county finance. It had also been contemplated, in connection with the measure, to make proposals with regard to the most provident form of contribution from Imperial funds in aid of local charges. The raising and management of local taxation were the principal features of the measure; and, therefore, he submitted that the introduction of the Bill in their Lordships' House would not be consistent with precedent.

EARL STANHOPE said, he regretted that the Government had not introduced in their Lordships' House any Bill of first-rate importance. He regretted the fact the more, because their Lordships had agreed to sit an hour earlier in the day than formerly, in order to have ample time in which to transact Business. If the Bill to which attention had been drawn by the noble Earl opposite could not be introduced in that House, why not introduce in it the Bankruptcy Bill, or some of the other measures of importance mentioned in the Speech from the Throne? No Assembly was better fitted than their Lordships' House, which contained so many learned Lords celebrated for their legal knowledge, to discuss such a Bill as the Bankruptcy Bill. He thought it a hard thing that they should sit there day after day with their arms folded without having any Business brought before them. He wished to know whether the Government intended to give their Lordships any work to do this Session?

EARL GRANVILLE said, he was aware that reasonable complaint was made in connection with the subject of the non-introduction of Bills in that House. It was a complaint which had been made in the last few Sessions, and frequently before. Lord Aberdeen in 1853 said that the complaint had been continually made since the commencement of the present century. His Colleagues in the Ministry were aware how often he had implored them to allow certain Bills to be introduced in their Lordships' House. Unfortunately, good reasons were always given against that step. Those good reasons existed even in the case of the Conservative Government, which, though it had a large majority in their Lordships' House, had always felt it expedient that more Bills should be introduced in the House of Commons than in the House of Lords.

THE CHANNEL TUNNEL SCHEME.

QUESTION. OBSERVATIONS.

VISCOUNT BURY said, he only rose for the purpose of asking his noble Friend (the Earl of Morley) to fulfil the promise he had made in the early part of the Session, when he (Viscount Bury) had put several Questions regarding the progress of the Channel Tunnel. The noble Earl had always said that a Technical Committee was sitting at the War Office, that the whole matter was being brought before them, and that as soon as they had reported their Lordships should know the result of their deliberations. He wished, therefore, to ask for the production of that Report. No doubt most of their Lordships were aware of the sense in which the Committee had reported. It was matter of notoriety amongst all those—and they were a large number—who had taken a great interest in the question of the construction of the Tunnel. He would only suggest to his noble Friend that they should not be supplied with a part, but with the Report of the Committee in its entirety.

THE EARL OF MORLEY: My Lords, I am not at present in a position to give a categorical answer to the noble Lord's Question. The Report to which he refers is now under the consideration of the military authorities of the War Office, and until they have expressed their opinions upon it, it is impossible to determine whether it should be presented to Parliament or not; and if it is presented, whether it should be given in its entirety, as I need not point out to the noble Lord that some portions of the Report are of a very confidential character. I am not surprised at the interest which my noble Friend and the country take in the question, and I can only say that what information can be given to the House, when the opinions of the military authorities have been taken, will be presented, with any other Papers which can be communicated to Parliament. At the same time, I must observe that I did not make the promise the noble Viscount has referred to. I only promised that the whole subject should be fully considered, and that the Report should be presented in a form most consistent with the interests of the Public Service.

VISCOUNT BURY said, he was not at all satisfied with the answer the noble Earl had given, and he should be compelled, if their Lordships did not get the information that he asked for, to make a Motion on the subject.

Viscount Bury

EGYPT—THE RIOTS AT ALEXANDRIA —REPARATION TO BRITISH SUBJECTS.

QUESTION. OBSERVATIONS.

THE EARL OF FEVERSHAM, in rising to ask the Secretary of State for Foreign Affairs, What measures Her Majesty's Government have taken or intend to take to exact reparation for the murder and outrage of British subjects in Alexandria, and for the future security of the lives and property of our fellow-countrymen in Egypt? said, their Lordships were only too well aware of the grave state of affairs in Egypt, and of the catastrophe which had occurred at Alexandria, in which the lives of more than 200 Europeans had been sacrificed, and in which British subjects had been outraged and slaughtered under the guns of the British Fleet. Thus valuable lives had been sacrificed and the national flag insulted. That unfortunate circumstance had caused a great panic among the European population, and last week had witnessed the terrible spectacle of the whole European population flying from the country, and undergoing all the distress incidental to such an event. It would not be the proper occasion on which to enter upon the various considerations which might be brought forward in a debate upon this subject, or to enter into the causes which led to this disaster; but he might be permitted to remark that much of the evils which had occurred and of the misfortunes which had arisen might, in his humble judgment, be attributed to the departure by Her Majesty's Government from the traditional policy of this country, the policy of Lord Aberdeen and of Lord Palmerston, a policy which was ably carried out by Lord Stratford de Redcliffe, and which was continued under the Administration of Lord Beaconsfield—namely, that we should maintain the independence and integrity of the Turkish Empire. They had allowed the peace of that country to be disturbed and the rights of the Sultan in Egypt to be interfered with; in other words, they had allowed him to be stripped of his Sovereign rights over a very large part of his Empire. Her Majesty's present Advisers had recognized the loss by Turkey of her Sovereignty in Tunis, and so, in his opinion, they had alienated the Government of Turkey. At all events, that policy had not the effect of conciliating that Government, and he believed it had engendered feelings of hostility to us on the part of the population of the Turkish Dominions. With regard to the immediate cause of this outbreak, it must be matter of regret to everyone that the policy of Her Majesty's Government in the East had not been successful. One main condition of that policy was the dismissal and banishment of Arabi Pasha; but that condition had been treated with contempt. In his opinion, the Government had no right to make demands without the means of enforcing them, or without providing the necessary machinery for that purpose. The result had been that this country had lost the prestige and power which it formerly possessed. But it was, perhaps, more important now to inquire what were the measures which Her Majesty's Government proposed to take in the present circumstances. Statements had been made in "another place" which were vague and uncertain. They knew from the noble Earl (Earl Granville) that Her Majesty's Government had augmented the Fleet and had provided transports for fugitives; but apart from that no statement had been made as to the means which had been taken to meet the requirements of the case, and to secure the safety of those who remained in Egypt. They knew that Her Majesty's Government had proposed a Conference, and he believed the proposal had been accepted by the other Powers. But had it come to this—that we were to look to a Conference of the European Powers to demand the adoption of those measures which the outrage and murder of our fellow-countrymen called for? Was the Conference to exact reparation for the murder of British subjects, and to assess the compensation which she was entitled to claim? He considered that to adopt such a course, instead of at once demanding and insisting on reparation, would be to dishonour the country. He believed the Government of England was the best judge and the only authority that had a right to demand reparation for the injury done to British subjects. He would not pursue the subject further. Other opportunities would, no doubt, occur for bringing forward the subject. But he hoped their Lordships would learn that Her Majesty's Government were determined to take more vigorous measures, and that they would not allow the honour and prestige, the influence and the power of England to be sacrificed, or England any further to be humiliated. He hoped also that steps would be taken to secure the property of Europeans in Egypt, considering that it was the high road to our Indian Empire. The noble Earl concluded by asking the Question which stood on the Paper in his name.

EARL GRANVILLE: My Lords, the noble Earl has asked the Question of which he has given Notice, and he has added a certain amount of argument, which he was perfectly entitled to do. I have ventured to urge upon your Lordships, and it appeared to be generally acquiesced in by the House, that it was not desirable that the general policy of the Government with regard to Egypt should be debated piecemeal. There were, however, one or two subjects on which the noble Earl touched with regard to which I will make a few remarks. The noble Earl attributed all that has happened to our having departed from the policy of previous Governments as to the maintenance of the integrity of the Ottoman Empire. My Lords, I will only say that on coming into the Government we found the integrity of the Ottoman Empire somewhat diminished by arrangements immediately owing to former circumstances and to the provisions of the Treaty of Berlin. Our policy was to carry out the arrangements of that Treaty; but beyond that we have endeavoured, as our policy shows, to maintain entirely the integrity of the Ottoman Empire as defined by that Treaty, and it is certainly not with regard to Egypt that Her Majesty's Government have been at all slack to maintain the tie existing between the Sovereign of Egypt and Egypt itself, or in any way helped to diminish the Sovereignty of the Sultan. There was another point on which the noble Earl touched, and in which I entirely agree with him. It was this—that with regard to outrages on British subjects and loss of their lives or property, we have not to address other countries, but have a right to judge ourselves what satisfaction or reparation we want. Sir Edward Malet has been instructed to make it clearly understood that Her Majesty's Government will require full reparation and satisfaction for the outrages committed during the late disorder at Alexandria. Notice will be given to all British subjects in Egypt to register at the Consulate the claims they may have to put forward, and a similar Notice will be given to the relatives of those who have been unfortunately killed. My Lords, instructions have been given to the Admiral which we believe will be sufficient in case any further disturbance takes place at Alexandria, and we have been informed by the French Government that they have also given instructions to their Admiral to concert with ours the measures that would be taken in this contingency. I believe I have now answered the Question of the noble Earl.

The Earl of CARNARVON: My Lords, I hope I shall not be accused of a desire to embarrass the Government on such a delicate question as this if I venture to supplement the remarks of my noble Friend (the Earl of Feversham); particularly as the answer of the noble Earl opposite did not quite completely meet the Question asked by my noble Friend. My noble Friend asked, as I read his Question. for information on three distinct points—first, as regards reparation for the murder of British subjects; secondly, as regards loss of property; and, thirdly, as to the security to be taken for the future. Now, the question of compensation enters into two of these subjects—the loss of life and the loss of property. For the first of these it is, unhappily, impossible to make adequate compensation, and it is hardly possible even that compensation should be made of such a nature and form as to give any satisfaction for such losses; but, as regards compensation for loss of property, that, of course, is a different matter. I gather from the noble Earl opposite that an application has been made on this subject, and that some communication, of which I do not distinctly understand the nature, is to pass, or has passed, by means of the British Consul. It seems to me, however, that there is this very considerable difficulty, and that we must ask the question from whom is this compensation to be claimed? There can be but three persons to whom such a claim can be addressed. Is it Tewfik? He may have the best will in the world, but he has no power. We have pledged ourselves to his support, and, recognizing him as the *de facto* and *de jure* Ruler of Egypt, it would be only conformable to practice that our application should be made to him; but, as I have said, he is powerless and is a fugitive from his own capital. Is it, in the second place, Arabi to whom you will make application? He has the power, no doubt; but he is the sworn enemy both of England and of France, and it seems to me that you are hardly in a position to address such a demand to one whom you have constantly denounced and whose banishment you require. Is it, then, in the third place, from the Sultan, as Suzerain, that you require compensation? No doubt you have a fair case for going to him; but, if you do so, you restore him to a position in which, as I should have thought, the Government would not wish to place him. But from one of these three parties compensation, if obtained, must come; and this is the question which Her Majesty's Government must seriously consider. But it is necessary not only to exact reparation for what has been done, but also to consider what measures are to be taken for preventing any future outrages to life and property. Unless you do this effectually, not only do you expose the country to the danger of recurring disorder, but you run the risk of destroying those resources from which your reparation is to come. At present trade is paralyzed in Egypt, banks are shut up, and postal communications, I presume, no longer follow the accustomed route. I read in the newspaper to-day that the telegraph to Cairo has been stopped, and that all the telegraph functionaries have left. Then, again, you have to take security for the safety of the lighthouses along the Red Sea, on which such enormous interests depend. That, I hope, has not escaped the attention of Her Majesty's Government. Lastly, there is the question of the Suez Canal and its maintenance and preservation from injury. Last night I heard the declaration of the Government that they were truly alive to the importance of this question; but I read the other day a statement which, if true, was, at least, singular on the part of the Prime Minister, that it was hardly possible to do any serious mischief to the Canal. But those who at all understand the nature of the Canal, and the risks to which it is exposed at such a time as this, will be at a loss to know how such a statement could be made. As regards permanent injury, it may, of course, require a long time to accomplish it; but as regards temporary injury, everyone who knows the nature of the Canal is aware that it might be easily blocked, and that the passage might be stopped for several weeks. It was only to-day that I heard that a very serious block has occurred in the Canal; that the pilots have taken their departure, and that ships at one end—and I believe at the other also—are assembled in large numbers unable to pass through. These are all very serious matters arising out of the Question of my noble Friend, and they have not been met by the answer given by the noble Earl opposite. There is one other point on which I must touch. The noble Earl mentions that transports have been provided for the refugees, and, no doubt, it is very wise and proper to take this step; but if what I have heard is true, a very large number of these refugees are bound for British territory in Malta and elsewhere, and I should be glad to know whether any measures have been taken for providing them with sustenance and the means of life. I need only add that I quite recognize the force of the appeal of the noble Earl and his argument that it is unwise to embarrass the Government; but, at the same time, the Government must remember that we have had remarkably little information vouchsafed to us on this subject, and that, if they had any success to point to, the House would bear their reticence better than it does at the present moment. The Papers that have been presented record only what occurred a few months ago, and have no value as regards current events or present difficulties; and we can get no information with regard to that which is essential at the present moment to the honour and interests of the country.

THE EARL OF KIMBERLEY said, in answer to the Question which the noble Earl had put with regard to the refugees there, that he had telegraphed to the Governor of Malta and to the Commissioner of Cyprus, to which places, no doubt, large numbers of British subjects were proceeding, and those officials would take such steps as were necessary, as had been done in the recent case of the refugees from Tunis. He declined to follow the noble Earl in his remarks upon the political situation, because he must say that, on a subject so grave as this, piecemeal discussion, arising out of an answer to a Question, was not at all likely to advance the interests of the country.

THE MARQUESS OF SALISBURY: Our complaint, my Lords, is that we can only discuss this question in a piecemeal manner until we have before us the Papers on which alone a discussion can be based; and, unfortunately, on this occasion Her Majesty's printer is the close ally of Her Majesty's Government. If the business of the printing office went on as rapidly as affairs in Egypt, and if the printer were as energetic as Arabi Pasha, I should at once recognize the wisdom of the objections urged by the Government; but as things are, I must say that either the printer or the Government is trying the patience of both Houses of Parliament in putting off the discussion of a question in which the country is beginning to feel a most intense interest, and which nearly concerns vast numbers of Her Majesty's subjects. I am sure that the answers given by the noble Earl opposite will appear to many whose whole future is bound up in the issue which this question may take as scarcely worthy of the gravity of the subject.

[The subject then dropped.]

EVICTIONS (IRELAND)—THE LANDLORDS.

QUESTION. OBSERVATIONS.

THE MARQUESS OF WATERFORD asked the Lord Privy Seal (Lord Carlingford)—First, In what form Her Majesty's Government have ordered daily Returns to be sent in to Dublin Castle of evictions, with opinions thereon of the magistrates and police as to whether they are cases of hardship or not; Secondly, when such order came into force, and what steps are taken by the magistrates and police so as to enable them to form a correct judgment on the matter; Thirdly, whether the landlords and others interested are given any opportunity of explanation before a Return is sent in on which a public official charge that they have acted in a cruel and unpatriotic manner may be founded; Fourthly, whether Her Majesty's Government will take care that outrages are not encouraged by hasty censures passed upon those who appeal to the law for the assertion of their legal rights? He put those Questions in consequence of a statement made in "another place" during last week by the Chief Secretary to the Lord Lieutenant of Ireland. He should, in the first place, like to draw the attention of their Lordships to a speech by the Prime Minister, made, he believed, in October last, in which he made what was considered a most cruel and unjustifiable charge of cowardice against the Irish landlords. The matter was of so much importance that he would read the Prime Minister's words. He said—

> "That other unhappy fact is the traditional sluggishness and incapacity of the wealthier portions of society in Ireland to do anything whatever for themselves."

And further on he said—

> "A general cowardice seems to prevail among all the classes who possess property, and Government is expected to preserve the peace with no moral force behind them. That is the great scandal and evil of Ireland, and until the evil is removed the condition of Ireland will not be thoroughly sound and healthy."

Since the delivery of that speech the landlords had been, as they thought, supporting the Government by enforcing their legal rights, which the Prime Minister believed they ought to do; but the Chief Secretary for Ireland had lately called them "cruel and unpatriotic" for doing so. During the winter the landlords were led to believe that it was their absolute duty to enforce their legal rights, and that by doing so they would materially assist the Government in putting down the Land League. This was after the issue of the "no rent" manifesto. The landlords had since asked, not for the whole of their rents, but for a portion of them, some payment on account, and they were now called "cruel and unpatriotic" for doing what the Government in the first instance had recommended them to do. The Chief Secretary stated that the magistrates and the police were to send in reports to Dublin Castle, on hearsay evidence, gathered in a hostile country, as to whether evictions were cases of hardship or no. He (the Marquess of Waterford) maintained, considering the present condition of Ireland, and that the people were entirely hostile to the landlords, that it would be difficult for even a Court of Law to find out whether an eviction was a case of hardship or not, especially when they knew what power the Irish tenant had of hiding his money. He trusted the Lord Privy Seal would tell them what opportunities landlords would have of rebutting the accusations made against them. Apparently the police would make these reports and send them into Dublin Castle, and the poor landlords would not be allowed to say a word in their own defence. No men had ever been so outrageously ill-used. Their property had been confiscated by the Government, notwithstanding it was stated by the Government that the Act would not have that effect. Many of them had nothing to live on except their rents; and many of them had not received them for several years. Mortgagees and others holding charges were now pressing them to pay. After two good seasons they asked the tenants to pay something on account or else to give up the land; and then they were called "cruel and unpatriotic." It was a monstrous thing that such imputations should be cast upon the landlords of Ireland. A few among them might have acted harshly; but they were a small minority. A landlord would not be such a fool as to evict a tenant when he knew he could not get another in his place. They all knew the state of Ireland at the present time, and that the Land League prevented tenants taking farms from which others had been evicted, and, therefore, what could induce a landlord to evict a tenant if he had no chance of getting any rent from him at all? He hoped the noble Lord would answer the Questions fully, because he thought they were of the utmost importance. The last one was of special importance, because he feared that if hasty and unjust censure was cast by the Chief Secretary on those who up to the present time had been in the very gravest danger of outrage and assassination, it would not much conduce to their safety, nor would it conduce to the decrease in the number of outrages in Ireland, which he was certain the noble Lord and Her Majesty's Government were so anxious to bring about.

LORD CARLINGFORD (LORD PRIVY SEAL): My Lords, I am willing and anxious to answer the Questions of my noble Friend as fully and as accurately as I can. First, as to the Returns of evictions, about which the noble Lord inquires; these Returns of evictions are nothing new. There is no novelty of any consequence that I know of in these Returns, or in their form. It has been the duty of the Constabulary for years past, under an article of their Code, to report all cases of evictions to the Inspector General, and upon forms that have been long in use. These forms, I find, were made some what fuller, so as to comprise a greater number of particulars, by the late Mr. Burke about a year ago. These Returns have included the statements of the police as to the nature and circumstances of the evictions, so far as they could learn. The instruction upon that point is contained in these words—

> "The statement is to comprise information as to the circumstances of the cases, the causes of the evictions, and whether they produce hardship or lead to excitement in the neighbourhood."

These Returns are made to the Inspector General. So far as concerns the mere number of evictions, they come every day before the authorities in the office, and when the Inspector General finds anything special in a case he sends it to the Chief Secretary or the Under Secretary, calling attention to the statement of the police as to the circumstances of the eviction. Of course, if the Government had their attention called to a special case they would ask for the Return. The system, I understand, has been in operation for a long time. In the same way the Resident Magistrates report every week upon the general state of the districts or the county or counties over which they have charge, and, among other matters, give an account of the evictions that have taken place, expressing their opinions as to the character of them. I have looked through a number of these Police Reports, and they strike me as being singularly impartial. I have found in them no trace of animus on the part of the police in the descriptions they give of the character of the evictions. These statements of the police have been made use of over and over again for purposes quite different from those to which the noble Lord has called attention. They have been made use of for showing the undue and improper resistance that has been made to the payment of rent legally due on the part of many Irish tenants, and to prove the influence of the Land League in that direction, and the progress of the "no rent" movement. When these reports, of which complaint has hastily been made, were used for other purposes, they were trusted as evidence of the facts. I believe they were good evidence, and I believe they are equally trustworthy evidence as to cases of eviction. I find that in cases of reported hardship reasons are given for believing that they are such. My noble Friend is aware that, generally speaking, the police have sufficient means of knowing what is going on. On the other hand, I find numerous cases in which the police report facts that are very unfavourable to the tenant, showing that the landlord has been justified in asserting his rights, and that the tenants have been unduly and improperly, very often under external influence, resisting those rights. The Irish Government are of opinion that, on the whole, these reports are trustworthy, and can be depended upon as much in one direction as in the other. What I have stated has answered the first two Questions. As to the other Question, I have to say, on the part of my right hon. Friend the Chief Secretary for Ireland, that he never intended to pass any censure, hasty or otherwise, upon the landlords merely because they appealed to the law in the assertion of their legal rights. As my noble Friend has reminded us, the Government more than once expressed the opinion that the Irish landlords ought to enforce their legal and just rights. We did not question it for a moment; but my right hon. Friend, on the basis of official information, referred to certain cases of hardship in this matter of evictions. I have to say, on his authority, that the phrase which he used, and which has been often repeated, was not correctly reported. He spoke on one of those days on which a good deal of condensation takes place, and the phrase which he used did not apply directly to the landlords. The phrase he used was this. He said "that these cases of hardship in evictions, of which he believed a certain number had taken place, were cruel to the Executive Government." He used the phrase in the sense that they increased those difficulties which already press so enormously on the Government. My noble Friend may rest assured that neither the Chief Secretary nor any other Member of Her Majesty's Government contests the perfect right of Irish landlords to assert their just rights; but, undoubtedly, in the present condition of Ireland, the assertion of those just rights does require great consideration, great prudence, and great humanity.

THE MARQUESS OF **WATERFORD**: My Lords, I have here the quotation to which I referred. According to the report in *The Times*, the Chief Secretary for Ireland said—

> "He deeply regretted that there were landlords who did not adopt the attitude of the hon. Member for Carrickfergus, and who, at a time when the Executive was grappling with a situation of extreme difficulty, asserted their rights in a cruel and unpatriotic manner."

LORD **CARLINGFORD** (LORD PRIVY SEAL): My Lords, I have a positive assertion from my right hon. Friend that he said "cruel to the Executive Government."

THE EARL OF **DUNRAVEN** said, he wished to know whether he rightly understood the Lord Privy Seal to say that no fresh orders to the police had been issued? His impression was that some new instructions had been given to the police to report as to evictions, whether they inflicted hardship or not. But even if the police made exactly the same reports that they had always made, he submitted that at the present moment it would be very injudicious that such reports should be relied upon, or should give rise to any action on the part of the Government, because, although in ordinary circumstances the police and the magistrates might possibly be able to form a just opinion as to whether hardship was inflicted or not, he maintained that it was absolutely impossible for them to do so now. Matters had been entirely altered by the circumstances in which the landlords were placed. What might be thought unjust if a landlord were not hard pressed would be legitimate and right if he and his family were in circumstances of great difficulty, and compelled to get the land in their own hands or to obtain their rents. Under the circumstances, great injustice might be done if the reports of the police were considered to be reliable at the present time. All Irish landlords, he felt sure, would be only too pleased if an inquiry could be made into their conduct at the present time and during the last two years. He did not think any information that was worth anything could be gathered from the reports which were now handed in by the police. The position of Irish landlords was very peculiar and very difficult. They did not know how to act. At one time they were twitted by prominent Members of the Liberal Party because they ran away, and at other times they were told that they caused great inconvenience to the Executive Government because they did not exercise their rights more strictly. These were two very different views, and it seemed impossible to know how Irish landlords were to conduct themselves so as to please the various Members of the present Government. The one thing they did not appear to be allowed to do was to exercise those rights which the law of their country had yet left them. The Lord Privy Seal said the Government wished to see the landlords exercising their legal and just rights; but the difficulty was to get unanimity of opinion as to what was just in the matter. It appeared to him that the landlords, as long as the law allowed them to make use of certain means to obtain what was due to them or to get back their property into their own hands, had a perfect right to exercise those means. There were many other difficulties in the way of Irish landlords. It appeared to him that their position was often misunderstood and misrepresented in this country. He had seen their conduct compared with that of the English landlords. It had been asserted that the Irish landlords had not made allowance for bad seasons, and had not treated their tenants in the same way as English landlords did. But the circumstances of the two countries were altogether different. In Ireland it was impossible for a landlord to know whether a reduction was really wanted by a tenant or not. In England, on the other hand, there were many circumstances from which a landlord could ascertain this. In England, if a tenant found himself unable to pay his rent, he took his money out of the farm and went away. This was never done in Ireland. Again, the difficulty was increased in consequence of the action of the Land League and the "no rent" manifesto. How was it possible for any human being to ascertain for certain whether a tenant could or could not pay his rent, seeing that, in point of fact, a great number of tenants who could pay did not pay? There were cases, no doubt, in which hardship was inflicted by landlords in

Ireland. Some landlords, irritated by the conduct of Her Majesty's Government and by other causes, might exercise their rights very harshly; but the victims of such injustice had only to thank the Land League and those advisers who had recommended them to pay no rent. He was very glad to hear the Lord Privy Seal give some explanation of the extraordinary expression used in Parliament by the Chief Secretary. He was glad to find that the right hon. Gentleman did not consider the Irish landlords were cruel to their tenants, but only thought they were cruel to the Executive. Still, he did not believe that the Irish landlords were cruel, even in that limited sense. The noble Lord had not shown why they should be supposed to be unpatriotic. He could understand, indeed, that they were unpatriotic from the Nationalist or Separatist point of view; but from the point of view of the Union between the two countries, he could not see how their conduct had been unpatriotic. Could anything be more injudicious than the words spoken by the Chief Secretary to the Lord Lieutenant, even under the construction put upon them by the noble Lord? They were only to be equalled by some of the expressions as to Ireland which had fallen from the lips of the Prime Minister.

EARL COWPER: First of all, my Lords, I wish to make one or two remarks on the Police Returns, as to whether there is hardship or not in cases of eviction. I can assure the noble Lord who spoke last that if the reports err at all, they err, on the whole, in the other direction from what he assumes. I think they are, on the whole, very impartial. In these days evictions cannot be carried out in a hole-and-corner manner, but an account of them appears in the papers. These reports go far to prove how false some of the newspaper reports were, and to show that the landlords did not behave so badly as a great portion of the Press tried to make out. The noble Marquess (the Marquess of Waterford) said that two different charges had been brought against the landlords of Ireland. I am not here to defend the language of the Chief Secretary for Ireland. I do not even remember what the words were; but, as far as I can judge, the explanation given of them removes any blame which might be attached to the right hon. Gentleman for the language he is reported to have used. I do think there have been cases of considerable harshness in Ireland. The noble Marquess is a most excellent and conciliatory landlord, and has never acted harshly towards his tenants, and I do not think there is any one of your Lordships who has property in Ireland of whom the same thing might not be said. But I think all who know the country will admit that there have been cases, particularly in the crowded parts of the West and North-West of Ireland, where the people have been absolutely unable to pay, were in a state of starvation, with nothing else in the world to turn to, and hopelessly in arrear, and have been turned out in a heartless manner. It may be true that it might be much better in the long run that these estates should be cleared, and only those for whom there is room allowed to remain; but this should be done in a cautious and kind manner, provision being made for those who are removed. Similar difficulties from overcrowding had arisen in the Highlands of Scotland, and some of the proprietors had emigrated the people in a kind and careful manner—no doubt at considerable expense—and very small thanks they got for it. All that is a matter of history. We know also that many landed proprietors in Ireland have behaved in a very kind manner towards their tenants; but it is certainly true that there have been cases of hardship among the tenants. I think in these days, when there is such a cry against the landlords, that they ought to be the first to dissociate themselves from those who have behaved in an unpatriotic manner. While, on the one hand, the Government have had to complain of the harshness of some landlords, in others there has been observable a certain amount of laxity and want of combination. That, I think, is what the Prime Minister referred to. There have been many cases in which men have allowed their tenants to remain without paying rent when they were perfectly able to pay. There have been other cases in which notice has been given that proceedings would be taken against tenants able to pay, a force of police and soldiers have been brought together, a great deal of trouble has been taken by the Executive, and at the last moment the landlord, for some unexplained and inexplicable reason, has drawn back. In many cases it would have materially assisted the Government if the landlords in disturbed parts of the country had agreed among themselves and made an example of the tenants in certain districts; but, for want of combination, that has not been done. I am bound to say that if a landlord who had tenants who were perfectly well able to pay, and whose rents were fair and just, had, in combination with his neighbours, made an example of the ringleaders in the "no rent" movement, he would have done a good thing for himself and a service to the country and to the cause of law and order. My Lords, I will not detain you further, but will only observe that, though among a large body of men there must be some who act in one way and some in another, yet I am happy to say that there is a great number who have acted in a just and firm and, at the same time, conciliatory manner, and are well deserving of thanks for what they have done.

Lord INCHIQUIN said, that the statement of the Chief Secretary for Ireland was made last Wednesday, and though some days had elapsed there had been no explanation or contradiction given to it, though the statement had been circulated throughout the country. The effect of such a statement would be greatly to increase crime and outrage, and therefore it required the strongest condemnation. When the Chief Secretary saw the way in which he was reported he should have taken the earliest opportunity of contradicting it. With regard to the answer of the Lord Privy Seal, he should like to ask upon what grounds the police proceeded when they stated that a particular eviction was a harsh one or the reverse, for he believed that no application was ever made either to the landlords or their agents to make any report to the police on the subject? It was only fair that the reports sent to Dublin Castle should contain both sides of the question. As to the general condition of the country, he might mention a case which occurred to himself the other day. A tenant of his who owed him £500 had been pressed over and over again for the amount, but declined to pay. Last year an ejectment decree was issued against him, but withdrawn. This year a decree was obtained, and men were got down from Dublin to execute it; but the very next day the brother-in-law of the tenant came forward and paid £400 out of the £500. This clearly showed the difficulty of deciding before a man was turned out of his holding whether he had money or not. It was well known that there was a great deal of money deposited by the tenants in the savings banks, on which they were obtaining interest. With respect to evictions, the Lord Privy Seal appeared to forget that the County Court Judges possessed a power of staying evictions, and that that power was constantly exercised. The noble Earl the late Lord Lieutenant had blamed the Irish landlords for not combining to resist the "no rent" movement. He could say for the County Clare that the landlords of that district did their utmost to combine so far as possible; but no one who had not experienced it could understand the difficult and dangerous position in which they were placed. When he rode into his own county town, every country gentleman he saw came accompanied by his escort of soldiers or police. It was impossible for the landlords to combine with regard to evictions in the manner suggested by the noble Earl. He maintained that the landlords had behaved in a most patriotic manner; in every case they had been as lenient as they could towards their tenants, while doing their utmost to put an end to the combinations used against them. He would repeat that the language used by the right hon. Gentleman the Chief Secretary for Ireland was deserving of the severest condemnation. The non-payment of rent caused evictions, not for inability to pay, but because the tenants acted upon the advice given to them by the Land League.

Lord ORANMORE and BROWNE pointed out the dangers by which Irish landlords were surrounded, and the difficulties in the way of their doing more than they had done to act in combination against the forces opposed to them. Even speaking in their Lordships' House was dangerous, for the Irish papers circulated among the people garbled extracts from their speeches, combined with the grossest possible abuse and misrepresentation. Up to the time of the new departure, the Irish landlords certainly did not think that the government was carried out as it ought to be, or that the Executive showed sufficient force and energy; but they found the tenants were beginning to be tired of what was going on, and were coming in to pay whatever rent they could, and also to make arrangements for future rents with their landlords. Since the new policy had been introduced, however—since the "suspects" had been released and the Arrears Bill introduced—there had been hardly a shilling of rent paid, and few, if any, men would make agreements. He thought it was a great hardship that some tenants should be forced to be evicted merely because other people would not pay their rents. He knew of one case in which 30 notices of eviction were served, and 29 of the tenants came forward just when they were being turned out and paid every shilling that was due from them. The 30th tenant showed the money and said, "You may have the land." It was the unfortunate vacillating policy of Her Majesty's Government, constantly changing front, and constantly causing new expectations to be entertained by the tenants, that had increased, and would continue to increase if it was still adhered to, the unfortunate and disastrous state of Ireland which at present existed.

LORD VENTRY said, if the right hon. Gentleman the Chief Secretary for Ireland had only used the words which had been attributed to him by his noble Friend the Lord Privy Seal (Lord Carlingford), and not those which had been reported in the newspapers, he thought the Chief Secretary ought, in justice to the landlords of Ireland, have taken the earliest available opportunity of explaining what it was he said, or intended to say. That was more especially the case because there were at the present time so many charges flying about against Irish landlords, in reference to evictions, both in the public Press and on public platforms. The parties who made those charges were ready at once to turn to account any words uttered by a Member of the Government which helped them, or any of the exaggerated reports which they circulated; and in proof of this he would read an extract from a letter sent to the Press by Dr. Donnelly, the Roman Catholic Bishop of Clogher, in reference to the Rossmore Estate. In that letter, Dr. Donnelly said—

"Writs are being issued on the Rossmore Estate for rent and arrears. Everyone knows that the tenants are unable to pay, so the enforcement by Lord Rossmore of his legal right means the entire destruction and annihilation of the unfortunate tenants."

The County Inspector of Constabulary in that district subsequently called at the Estate Office to make inquiries as to what was going on, and he supposed the fact of the Inspector having done so would throw some light on the means which were being taken by Her Majesty's Government to obtain information as to the action of the Irish landlords in these matters. In the statement addressed by the agent of the estate subsequently to the County Inspector, the following explanation occurred:—At the time Dr. Donnelly wrote the letter to the Press only three writs at the suit of the landlord had been issued on the estate for six months previous; and, as a matter of fact, only seven writs had been served on the tenants during the last 10 years. Now, he thought, when such sweeping charges were made upon such slender grounds, and were being sown broadcast throughout the country, that Members of Her Majesty's Government ought to be very cautious how they let fall a word which could strengthen the hands of those who made such charges. With respect to the general question of evictions, speaking of the district with which he was best acquainted, he could say that there had been nothing in the conduct of the landlords generally in that county to call for such reprobation as had been passed upon their acts. He did not believe that their conduct had been either cruel or unpatriotic, either towards Her Majesty's Government or towards their tenants. He believed that they had evicted in many cases; but he also believed that they had abstained from taking any steps in numberless cases where they would have been perfectly justified in acting differently. He would not detain their Lordships any further upon the subject.

THE EARL OF DONOUGHMORE said, it appeared to him to be a very serious thing that an arbitrary report should be made by the police of the cases which came under their notice. It might be that the report was favourable to the landlord; but, on the other hand, it might be very unfavourable, and that report went up to the Irish Executive, and the landlord in question had not the least power in the world to make a contradiction.

Lord CARLINGFORD (Lord Privy Seal): Nor have the tenants.

The Earl of DONOUGHMORE said, that was the case; but the tenant, being on the spot, was more likely to have a chance of contradicting the report than the landlord. What he wanted to ask his noble Friend the Lord Privy Seal was, whether the Government could not manage to produce those reports? He should like to know what the reports were; and he could not see that there could be any objection to producing them.

Lord CARLINGFORD (Lord Privy Seal): I do not know that I can add anything to the information which I have already given to your Lordships, and to what has already been said by my noble Friend the late Lord Lieutenant of Ireland (Earl Cowper) as to the nature of these reports. As to the reports themselves, there is nothing new in them. As to the production of those reports to Parliament, that, I think, would be quite inconsistent with their nature. I entirely concur in all that was said by my noble Friend the noble Earl behind me (Earl Cowper) as to the impartiality of those reports, and as to their general bearing, and I also agree with my noble Friend that in very numerous cases they must have had the effect of correcting exaggerated and unfair reports against the landlords.

The Marquess of SALISBURY: My Lords, I do not think that the noble Lord the Lord Privy Seal has entirely comprehended the evil of which my noble Friend (the Marquis of Waterford) complains. The Irish landlords at the present moment are the objects of a great deal of very vigorous popular censure. It is said some of them are very bad, and many of them are very good. I cannot quite agree with the view of the noble Lord the late Viceroy of Ireland, that we ought to be anxious to disconnect ourselves from the Irish landlords.

Earl COWPER: Will the noble Marquess pardon me. What I said was that the good Irish landlords ought to disconnect themselves from the bad ones, and not that we in England ought to disconnect ourselves from the Irish landlords.

The Marquess of SALISBURY: I am glad to hear the noble Lord make the correction; but I think it is right to recollect in connection with the Irish landlords that if some of them, and perhaps some of the poorer class, have taken a purely commercial view of their position—if they resolved to treat the money which they expended on their property as a pure investment—they may have done wisely or foolishly, but they have, no doubt, followed the teaching of Parliament itself. They were induced to make these investments at a time when a different philosophy prevailed, when the doctrines of political economy were in force. They were induced to make these investments in the belief which Parliament then entertained, that the application of purely commercial principles to land in Ireland would tend greatly to cure all the evils under which that country suffered—that the application of these principles would have the effect of pushing out a population that could not properly live there, and would induce men to invest capital in the country; and that the ordinary results of the investment of capital, the establishment of a proper equilibrium between the population and the resources of the country, would relieve the chronic poverty, and, with that, its political difficulties would disappear. That, I believe, was the view held by both political Parties 30 years ago, and it was under that belief that the Encumbered Estates Act was passed. It was at the invitation of Parliament that small capitalists from different parts of Ireland and England invested their property in land in Ireland. Yet, after being told by the Judge of the Encumbered Estates Court that the rents might be raised—when they act in accordance with the principles which have been accepted from generation to generation by every body of statesmen, and by every writer who has dealt with the question of Irish difficulties—when they act on their undoubted legal rights, they find that Parliament turns round and rejects as folly the philosophy which it preached before, and that unfortunate landlords who have invested their all in this land at the invitation of Parliament, and who only try to get fair commercial interest for their investment, are blamed by my noble Friend the late Viceroy, and other landlords are asked to shun them as though their touch were contamination. I admit that it may be a misfortune that landlords should press their rights in too hard a manner. We must all wish that in times of difficulty all classes of Her Majesty's subjects should show consideration one to another; but I cannot help deprecating the censure passed upon those who are only acting consistently with the doctrines preached by Parliament itself. There is also another consideration which ought to be kept in view. These Irish landlords are pressing for their arrears, and they are pressing for them by way of eviction. But has not Parliament given them a broad hint to do so? Do they not know that a Bill is now before Parliament for the purpose of confiscating absolutely the property of those landlords who have been foolish enough in past times to be indulgent on the subject of arrears, and may they not wish to save themselves from the results of the predatory instincts of the Liberal Party? These things must be remembered when you propose to condemn a class of Irish landlords who are themselves struggling with dire necessity, and who have been reduced to this position through the action of Parliament itself. I wish to impress on your Lordships the extreme danger of this indiscriminate censure upon Irish landlords. If you are anxious to condemn an Irish landlord, name the man whom you condemn. State your indictment against him and prove it; but if you are not prepared to take that course, do not condemn in flowing phrases a certain body of Irish landlords, not indicating whom you condemn nor whom you absolve, and, when taken to task, merely say that you only intended to condemn the few. That reservation, it should be noticed, is not made by those in Ireland who read the words uttered here. This is not the first time that these careless words have sharpened the edge of public bitterness against an unpopular class, and tended to stimulate and maintain the animosities to which disaster and outrage are due. But a few years ago the Prime Minister stated that tenants might regard eviction as a sentence of death; and that phrase, the echo of which still rings in our ears, is still repeated by the Prelates of Ireland as an undoubted truth, admitted by the Prime Minister of this country, and still used to embitter Irish tenants and the whole public opinion of Ireland against those who use a fitting legal remedy to maintain an undoubted legal right. I regret very much that the Chief Secretary to the Lord Lieutenant should have used these words. I regret very much that when he saw that they were in some degree misrepresented he did not at once correct the dangerous character that had been given to them in the report. But I regret still more, and I trust that my regret may not be intensified by future occurrences, that Ministers should rashly and hastily level these bitter words against a class of men who are struggling with difficulty against pressure, against indigence, which Parliament itself has, to a great extent, inflicted upon them—who are struggling to maintain their rights in the face of the strongest public resistance, and against whom any careless language spoken by men high in authority here is too apt to be the certain messenger of death.

THE EARL OF KIMBERLEY: My Lords, a rebuke from the noble Marquess with regard to the use of rash and hasty words——

THE MARQUESS OF SALISBURY: I am not in Office.

THE EARL OF KIMBERLEY: No, not in Office, and, therefore, without official responsibility. A rebuke from him, no doubt, presses heavily upon us; but I would address a slight remonstrance to him in his turn. If there is one thing to be remembered in connection with Irish affairs, it is the violent language that is used, and the violent passions that are roused. We hear in this House about the predatory instincts of the Liberal Party. Out of it we hear of predatory landlords and plundering tenants. I believe that there is nothing more dangerous than that landlords and tenants should bandy such words, and I regret that the noble Marquess should have made use of the bitter language which he knows how to use with such effect. Does the noble Marquess mean to deny that there are such persons as harsh landlords? Why, they exist in England as well as in Ireland. Does the noble Marquess mean to say that there is no such thing as the exercise of proprietary rights in a harsh manner? It is a matter of every-day experience, both in Ireland and England, that many landlords would think it harsh to push to the full extent their undoubted legal rights; but, on the other hand, there are cases in Ireland in which the tenant has been subjected to great hardship. I do not know, however, any reason why all the good and fair landlords in Ireland should take to themselves an accusation which only applies to some members of their class. What is it that has been said? What has been said, and what I most earnestly believe from my own experience is, that in the present crisis in Ireland great hardship has been done towards some tenants. I am not an Irish landlord; I am an English landlord; but I should not consider that I was outraged or insulted if I were told that there had been some cases of hardship inflicted by landlords in England. It is quite true that small proprietors have invested money in land in Ireland, and in many cases, no doubt, they find themselves hard pressed. In many cases, also, they have not pressed their rights more than is desirable, and upon such as have not done so I should be chary, indeed, to express censure. But there have been cases in which hardship has been inflicted, and all the Chief Secretary to the Lord Lieutenant said was this—"That landlords who enforced their legal rights in a harsh manner, acted unpatriotically." I agree with that opinion, and, keeping Ireland alone in view, I say that those who act in that manner are men who are unpatriotic, men who increase the unfortunate gulf which separates landlord and tenant by their want of readiness to act with forbearance. The Chief Secretary, therefore, in my opinion, said nothing of which he should be ashamed. The state of Ireland is a grave question, and for Heaven's sake let us not make it still more grave by exaggerating existing evils, and endeavouring to increase, by Party attacks, a bitterness which has already attained such proportions as to menace the welfare of the nation.

Viscount CRANBROOK said, the condition of Ireland was indeed grave, and the words which had fallen from the Members of the Government were naturally watched with anxiety, because the effect of those words was not confined to those gentlemen who had been called bad and shameless landlords, but the legislation of the Government, founded upon those utterances, was addressed to good as well as to bad landlords in Ireland. For the sake of the worst, the Government had inflicted a penalty upon the good landlords; and, therefore, when language was addressed to the public, it was not unnatural that men should put upon it an interpretation consistent with the acts of the Government—acts which had been addressed to all the Irish landlords. The difficulty in Ireland was a formidable one, and it was hard to keep silent with respect to the evils existing there. It was natural, under the circumstances, that landlords who were using their just rights should complain when the Government were steadily pursuing a downward course, destructive of all rights of property, and were employing language which would not apply to those who were using their just rights.

House adjourned at a quarter before
Seven o'clock, to Thursday next,
a quarter past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 20th June, 1882.

The House met at Two of the clock.

MINUTES.]—Public Bills—*Select Committee — Report* — Local Government Provisional Orders (No. 5) * [160].

Committee—Prevention of Crime (Ireland) [157] —R.P. [*Fifteenth Night*].

Committee—Report—Vagrancy (*re-comm.*) [199].

Considered as amended—Third Reading—Copyright (Musical Compositions) * [161], and *passed.*

PETITION.

PARLIAMENT—PREVENTION OF CRIME (IRELAND) BILL—DUBLIN PETITION.

The LORD MAYOR of DUBLIN (Mr. Dawson), who was clothed in his robes of office, said: Mr. Speaker, I have the honour to present a Petition from the Corporation of Dublin against the Bill now passing through this House for the prevention of crime in Ireland. The Corporation of Dublin represent the mercantile, commercial, and trading classes of Ireland, who have a deep anxiety for the peace, the prosperity, and contentment of that country. They are fully convinced, as this Petition states, that the present state of Ireland results from the imposition and action of unjust laws, and they are of opinion that the present measure will not tend to lull or pacify their anxiety, but rather to increase the disturbed condition of Ireland. They view with extreme apprehension the abolition of trial by jury, a step fraught with danger, and one which has been condemned by the highest jurists and statesmen in England, and has been also condemned by the majority of the Judicial Bench in Ireland. ["Order!"] They fear that by this temporary exercise of a——

MR. SPEAKER: The right hon. Member is entitled to read the prayer of the Petition, but is not entitled to debate the Petition nor the subject of it.

THE LORD MAYOR OF DUBLIN (Mr. DAWSON): The Petitioners state that they pointed out to this honourable House on previous occasions the abortiveness of coercive measures in Ireland —["Order!"]—and the result has proved that—["Order, order!"]—I will read the prayer of the Petition:—

"That we, the Municipal Council, principally composed of merchants and traders and representatives of the mercantile community"—

[*Renewed cries of* "Order!"]

MR. SPEAKER: I understand the right hon. Member to be reading the prayer of the Petition, and in so doing he is quite in Order.

MR. SEXTON: On the point of Order I would ask if the right hon. Member is not entitled to summarize the heads of the Petition as well as to read its prayer? [*Cries of* "Read!"]

THE LORD MAYOR OF DUBLIN (Mr. DAWSON): I will read the prayer—

"Your petitioners therefore humbly pray your honourable House not to pass the Prevention of Crime Bill, or so to modify it as to leave untouched Constitutional liberty whilst only dealing with the repression of crime. We further pray your honourable House at once to enact such legislation as will stay the fearful sufferings now entailed by the numerous evictions that are daily taking place, and so to amend the Land Act as to prevent the recurrence of those evictions. We also pray your honourable House speedily to take into your earnest consideration the advisability, as well in the interest of the Empire as of Ireland, of the restoration to Ireland of her legislative independence."

QUESTIONS.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—RELEASE OF PERSONS DETAINED UNDER THE ACT.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. P. O'Connor, of Miltown Malbay, has been transferred from Limerick Gaol to Kilmainham, 130 miles further away from his home; whether, since this man is over sixty years of age, the Government will reconsider his case; and, whether, as all the suspects from Hook, County Wexford, have been released except Mr. Nicholas Walsh, of Taghmon, who is still confined in Kilkenny Gaol, the Government will include him in the general liberation of Wexford men?

MR. TREVELYAN: Sir, His Excellency the Lord Lieutenant has had the cases of Messrs. O'Connor and Walsh under his consideration, and found that he could now order their release. The orders were accordingly issued yesterday.

COLONEL DAWNAY asked the Chief Secretary to the Lord Lieutenant of Ireland, If Patrick Gallogly, Patrick Beirne, and John Sheridan, who were confined in Monaghan Prison on suspicion of breaking into houses by night and assaulting persons therein, have recently been discharged from custody by order of the Lord Lieutenant; whether any communication has been made on the subject to the persons assaulted by them; and, whether it is intended to put them on their trial for the offence with which they were charged?

MR. TREVELYAN: Sir, the persons named in the Question of the hon. and gallant Member were released at the beginning of the present month. So far as I am aware, no communication has been made to the persons assaulted. I am not aware that it is intended now to prosecute them for the offence of which they were reasonably suspected. They had been in detention for upwards of 14 weeks, and even if they had been convicted of the assault under the ordinary law, they might very probably have escaped with a lighter sentence.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — PRISON WARDERS.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the fact that, in consequence of the extra duty thrown upon prison warders by the Protection of Person and Property (Ireland) Act, trustworthy men had to be drafted from the different prisons where they were permanently settled to the places where the political prisoners were confined; whether these warders were in many instances separated from their families; whether the sum granted to them for lodging, fuel, and light (if married) when so transferred was only ten shillings per month; whether the Government are aware that these men were frequently obliged to spend fully three times this amount for lodging, &c.; whether in Dublin their hours of duty were such that they have had to remain on twenty-six and a half hours out of thirty-six; whether similar excessive duty had to be performed in other gaols where suspects were confined; whether the extra warders employed by the Government were old police pensioners, many of whom were past work before leaving the police force, and were entirely ignorant of prison discipline; whether, therefore, duties of much greater weight and responsibility devolved upon the regular warders than before; whether the police who are getting an extra grant were also relieved by auxiliaries from the Army and Army Reserve; and, whether, taking all the circumstances of the case of the prison warders into consideration, the Government can see their way to make an allowance for their increased duty and responsibility during the past eighteen months?

Mr. TREVELYAN: The hon. Member asks me 10 Questions, the answers to which would take up a considerable time, and I trust he will be satisfied when I tell him that as soon as all the persons detained under the Protection of Person and Property (Ireland) Act have been released, it will be the duty of the Prisons Board to submit the names of certain prison officers to Government for some reward for extra duties. As, however, this is a matter which cannot be arranged without the consent of the Treasury, and as the case is not yet in a position to be submitted to their Lordships, I wish to avoid raising hopes that may not afterwards be capable of fulfilment.

Mr. HEALY: Will the right hon. Gentleman state that in proportion to their number and the work they have done they shall receive rewards comparatively as great as those granted to the police?

Mr. TREVELYAN: The answer to that cannot, of course, be made by any Department without the consent of the Treasury.

PARLIAMENT—BUSINESS OF THE HOUSE—POLICE SUPERANNUATION BILL.

Baron DE FERRIERES asked the Secretary of State for the Home Department, If he cannot give some facilities for considering the Police Superannuation Bill, for being opposed it runs the risk of never coming before the House, owing to the half-past Twelve o'clock Rule and the existing press of business, and thus the legitimate expectations of a most deserving body of men appear likely to be again indefinitely postponed?

Sir WILLIAM HARCOURT, in reply, said, he could assure the hon. Member that he regretted very much that the legitimate expectations of a most deserving body of men appeared likely to be indefinitely postponed. But the hon. Member must undertake the task of inducing the hon. Member for South Leicestershire (Mr. Pell) and the hon. Member for South Devon (Sir Massey Lopes) to relent. If he succeeded in that difficult task, then they might hope to make some progress with the Bill.

STATE OF IRELAND—INTIMIDATION.

Sir HENRY FLETCHER asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the burning of a labourer's house near Mallow, reported in the "Cork Constitution" as follows:—

> "There are circumstances attending upon the burning of the labourer Looney's house near Mallow, on Friday last, as reported in our columns of Saturday, which present features of incredible barbarity. It appears that this poor family, having barely escaped being burned to death in their humble home, were first compelled to watch helplessly while the little they possessed was being consumed in the flames, no one coming to their aid, and many hours after were found by the magistrate crouching by the side of the public road half naked and without

> food, because, being under the ban of "boycotting," nobody was courageous enough to afford even the infant of a month old, who formed one of the miserable party, any succour;"

and, whether the above facts are true; and, if so, whether any steps have been taken to lessen the state of intimidations apparently prevalent in the district?

MR. TREVELYAN: Sir, I have had a report on this case from the Sub-Inspector of Constabulary, who was present on the spot the morning of the occurrence. As usual in such cases, the newspaper account is somewhat exaggerated. The poor people had their clothing on, and were able to save some few articles of furniture. The youngest of the children is 10 months old, not one month, as stated. They received assistance from one of the neighbours only, and the Sub-Inspector sent them some bread from the Constabulary barrack. They are now under shelter in a place called "Dan's Castle," in the vicinity, and pending the erection of a police hut near the scene, a party of police have been quartered in the castle, which is the only available house in the vicinity.

EVICTIONS (IRELAND)—THE SPECIAL, AND RESIDENT MAGISTRATES, AND THE POLICE.

MR. GIBSON asked the Chief Secretary to the Lord Lieutenant of Ireland, In what form had the constabulary and special and resident magistrates been induced to give their opinions on evictions; had any data been given them as to how they were to discriminate between ejectments which were not to be censured and those which they should describe as cases of hardship; were they to have any regard to the necessities of the landlord and his family; and, were the duties of censorship, as to the character of legal process, to be applied to all the creditors of the tenant, or to be confined to the landlord only?

MR. TREVELYAN: Sir, in the detailed report of evictions sent in by the constable or Sub-Inspector of the district, a statement is called for which is described as follows in the printed form:—

> "This statement is to comprise information as to the circumstances of the case, the cause of evictions, whether they produced much hardship or excitement in the neighbourhood."

Those are the instructions which are given. With regard to the last paragraph of the Question, the instructions were always held to relate to the evicting person, whether landlord or creditor. The late Mr. Burke altered the form, with a view of obtaining fuller particulars, about a year ago. I will give a specimen of two of the answers without the names—

> "The case of A B is one of hardship, as he was highly-rented, had indifferent land, and a large family. That of C D was not a case of hardship, as he could have paid his rent, and was comfortably off."

Then, again—

> "There was no hardship in this case. E F is a carpenter, and well able to pay his rent if so disposed; but he wanted to get away with it, as he expects to get money from the Land League for allowing himself to be evicted. He has a new house, built for himself, where he intends to live."

And, again —

> "G H, wife, and eight children were evicted for non-payment of rent. The eviction was not a case of hardship, as the rents were reasonable, and being admitted as caretaker, he had six months to redeem."

And, again—

> "Tenants had nowhere to go. These men were paying very high rent; nearly double valuation. These people were in a miserable state of poverty."

The Special Resident Magistrates send in periodical reports of the nature of the evictions in their districts. Frequent Ministerial statements have been made in Parliament as to the contumacious refusal to pay rent among the tenants of Ireland. These statements would have been based on the reports to which I have referred, and I never have heard that their general accuracy or authority was disputed when used for this purpose. I hope I may take this opportunity to say a word of explanation. Having observed much criticism on the epithet "cruel," which I used the other day, I may say that I did not apply the epithet to the conduct of any landlord towards his tenant. What I did say was that those particular landlords who were carrying out evictions which were reported to the Government as cases of hardship were behaving in a cruel manner towards the Executive Government, which was trying to do its best under great difficulties. As often happens on a Wednesday, the newspaper report was much condensed, and so the mistake arose.

Mr. J. LOWTHER: May I ask the right hon. Gentleman what machinery the authorities have invented for testing the value of the land, and the ascertaining whether it is over-rented?

Mr. TREVELYAN: They have the valuation, the rent, and the number of years' rent due. The authorities have the same means of getting information on this subject that they have of getting materials for any Report on the peace and order or position of the district.

Mr. GIBSON said, the right hon. Gentleman had explained his meaning to be that the conduct of certain landlords towards the Executive Government was cruel. Could the right hon. Gentleman say whether or not those landlords were compelled to evict their tenants in order to obtain money wherewith to support their families; and, whether, if they ceased from evictions, the Government would enable them to support their families?

Mr. TREVELYAN: I referred only to landlords who, being in the same position as the hon. Member for Carrickfergus (Mr. Greer), did not take the same course as that Gentleman — the course, namely, of waiting for the Arrears Bill instead of proceeding with evictions.

Mr. GIBSON: That was not my Question. Has the right hon. Gentleman satisfied himself that he has not made a charge of cruelty against landlords who are unable to support their families if they do not get their rents?

Mr. TREVELYAN: It was only to those in the position of the hon. Member for Carrickfergus (Mr. Greer), and who did not follow his example, that I referred. That there are such landlords the Government are absolutely informed, but I do not say they are many. I hope and believe they are few.

Mr. HEALY: May I ask if landlords are not as well able to work for their living as any other people?

Mr. MITCHELL HENRY asked whether a summary of the evictions could not be presented to the House, showing how many, in the opinion of the constable, were cases in which the tenants could not pay their rents, and how many were cases in which they were able, but wilfully refused to do so?

Mr. TREVELYAN: No, Sir; I cannot undertake to place such Returns upon the Table of the House. Those Returns are given in great detail for the purpose of enabling the Government to form their judgment on peace and order in Ireland, and the Government draw from them the conclusions they think ought to be drawn, in whatever direction those conclusions point.

Mr. GIBSON: Will the right hon. Gentleman communicate to the House what instructions have been given to the Constabulary with respect to the manner in which the means of the landlords are to be ascertained by them?

Mr. O'SULLIVAN asked whether it was not a fact that the landlords had lately evicted their tenants for the payment of half-a-year's rent in arrear only?

[No answer was given to these Questions.]

NORTH SEA FISHERIES CONVENTION —RATIFICATION.

Mr. BIRKBECK asked the Under Secretary of State for Foreign Affairs, When it is proposed to ratify the Convention of 6th May relative to the North Sea Fisheries?

Sir CHARLES W. DILKE: Sir, Her Majesty's Government are prepared to ratify the Convention as soon as the other Powers, parties to it, are ready to do so. It is not yet certain when it will be ratified by France, Belgium, and the Netherlands, and I cannot, therefore, at present name any certain date.

LAW AND POLICE—CASE OF CHARLES FROST, WRONGFULLY CONVICTED.

Mr. MACFARLANE asked the Secretary of State for the Home Department, If his attention has been called to the case of a man named Charles Frost, who was charged at the Mansion House with having attempted to destroy himself; and if it is true, as stated by the man, that he was tried three years ago and sentenced to fifteen years penal servitude upon the perjured evidence of a police officer, and after serving two years was released, his innocence having been proved; and, if the man's statement is well founded, whether it is his intention to grant him any compensation for the injury done him by such miscarriage of justice?

Sir WILLIAM HARCOURT: Sir, this is one of those unfortunate cases that do sometimes occur of mistaken identity. On careful investigation the man was found to have been wrongfully convicted. He was pardoned, and I took every pains to see that he should get good employment afterwards, which he did get. As to what has happened since, I am not particularly informed; but I have ordered further inquiries into the matter, in order that what can be done may be done.

MR. MACFARLANE inquired whether, in accordance with precedent, some compensation could not be made to the man?

SIR WILLIAM HARCOURT: I cannot answer that Question, but I will order further inquiries to be made.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MICHAEL M'SWEENEY AND JOHN RYAN.

SIR HERBERT MAXWELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Michael M'Sweeney and John Ryan, who were released during the month of May, had been imprisoned under reasonable suspicion of having committed murder?

MR. TREVELYAN: Sir, the hon. Baronet is quite correct in this matter. In answering the right hon. and learned Member for the University of Dublin (Mr. Gibson) on the 8th of June, to the effect that John Ryan was guilty of inciting to murder, and not murder, I was quoting from a report from Dublin, in which a mistake had been made on this point. The existence of that mistake was not brought to my notice until I inquired about it this morning. With regard to Michael M'Sweeney, he was released on the 7th of June. That was the day on which the report was sent me from Dublin, and I can only suppose that the release was not yet known to the Department which forwarded it. I have given directions that in any case where a mistake has been made in information on which I have grounded an answer in Parliament, the matter may be brought to my notice at once.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—RESIDENCES OF RELEASED PRISONERS.

MR. DONALDSON-HUDSON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he can give any information as to the present residences of those persons who have been released from prison within the last two years who were imprisoned on suspicion of having committed murder, or having been accessory to it?

MR. TREVELYAN: Sir, if the hon. Member will specify any individual cases upon which he requires this information, I shall have no objection to endeavour to supply it to him; but I cannot give him the general information off-hand.

EGYPT—THE POLITICAL CRISIS—THE FLEET AT ALEXANDRIA.

SIR H. DRUMMOND WOLFF asked the Secretary to the Admiralty, If he can state what steps were taken by Sir Beauchamp Seymour, and Her Majesty's ships under his command, last Sunday, the 11th of May, for the protection of British life and property at Alexandria; and, whether Her Majesty's Government nourish the belief that the repetition of such steps will be sufficient to preserve British interests in that City in case of the renewal of disturbances?

MR. CAMPBELL-BANNERMAN: Sir, the hon. Member yesterday addressed this identical Question to my hon. Friend the Under Secretary for Foreign Affairs. I have nothing to add to the answer then given by my hon. Friend.

SIR H. DRUMMOND WOLFF: The Under Secretary for Foreign Affairs yesterday did not give me a satisfactory answer. I shall continue asking this Question until I do get one.

EVICTIONS (IRELAND)—DEATH FROM EXPOSURE AT AN EVICTION AT RHODE, KING'S CO.

MR. MOLLOY asked the Chief Secreto the Lord Lieutenant of Ireland, If he is aware that Mr. Gowing, coroner, attended at Rhode, King's County, on Wednesday last, to open an inquest on the body of a child, aged twelve months, who died from exposure consequent upon an eviction and the refusal of the resident magistrate to allow the shelter huts to be erected which had been provided; if the child, at the time of the eviction, was lying ill of the measles, and in a dangerous state; whether Sub-Inspector Caulfield neglected to summon a jury, although he had received the coroner's precept eighteen hours before the time for holding the inquest; and whether, at the opening of the inquest, the police offered no explanation to the coroner, but merely stated in reply that, although the precept had been received, no jury had been summoned; what steps the Government propose to take in the matter; and, whether the family of the dead child, and the other families of the evicted, are not at liberty to take advantage of the shelter huts, the use of which has been denied to them by the resident magistrate?

Mr. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that the police, at Rhode, King's County, recently prevented by threats the erection of a hut, provided by the Ladies' Land League, to shelter the family of an evicted labourer named Kavanagh; whether, in consequence of the conduct of the police, Kavanagh, his wife, and his children, who, as notified to the police, were ill of measles, had to avail themselves of the shelter of a shed or stable without door, window, or chimney, and have lived there for the last fortnight; whether the result has been that exposure has caused the death of one of the children, and that another is now lying at the point of death; whether the coroner of Queen's County, in accordance with the Law, issued his precept to the police directing them to provide a jury to inquire into the death of the child, and giving them twenty-eight hours' notice for the purpose; whether the police disregarded the precept, and failed to provide the jury, in consequence of which no inquest has yet been held; and, whether the Executive will take notice of the conduct of the police, and institute further action in the matter?

Mr. TREVELYAN: Sir, as these two Questions relate to the same matter, I shall answer them both together. I am informed that the facts of the case are as follows:—The Coroner did attend at Rhode, in the King's County, on the 14th instant, to open an inquest on the body of a child of a labourer named Kavanagh, who has been employed on the farm of a Mr. Kerr. He, with other labourers, had demanded higher wages, and, being refused, struck work, and had been ordered by the magistrates in Petty Sessions to give up his house and garden. There was no eviction in the case. Kavanagh's child was at the time suffering from measles, and Mr. Kerr told him he might remain in the house if he produced a medical certificate to the effect that moving the child would be injurious. Kavanagh, however, gave up possession at once and got shelter in an unoccupied house, which I am informed a very little trouble would have rendered quite habitable. The child having died, the Coroner, by letter of the 12th instant, sent the Sub-Inspector a precept to hold an inquest on the 14th, and the Sub-Inspector telegraphed on the 13th to have the Coroner informed that an inquest was unnecessary, as the child had died from natural causes. Nevertheless, the Coroner attended on the 14th, when the Sub-Inspector handed him a notice explaining that the time had not been sufficient to enable him to collect a jury, there being few eligible persons residing in the locality. The Sub-Inspector asked for a fresh precept, giving sufficient time to summon a jury; but the Coroner stated he would not issue one, but would leave the matter in the hands of the Government. No communication has, however, been since received from him by Government. The erection of the huts for these labourers had been prevented by the magistrate, as information had been given that they were to be erected for purposes of intimidation and for the encouragement of the labourers' strike. Huts are allowed to be erected now under the circumstances which I stated on Friday. The doctor who attended Kavanagh's child states that it died from natural causes; another of his children is now ill. I have no reason to doubt the accuracy of this report; but I have directed further inquiry to be made as to the alleged neglect of the Sub-Inspector.

IRELAND—ADVANCES TO IRISH LANDLORDS ON IRISH ESTATES.

Captain AYLMER asked the Financial Secretary to the Treasury, Whether, seeing that many Insurance Companies, and persons who have lent money on Irish estates, or have bought up charges on same, insist on payment of their interest, and threaten foreclosure if the landlords of such estates do not take all legal steps to put themselves in position to pay such charges, the Treasury will, in such cases, where the tenants have not paid their rents, make advances to these landlords to enable them to pay such charges if they stay for the present further evictions?

MR. COURTNEY: No, Sir; it is not intended to make such advances.

SELECT COMMITTEE ON RAILWAY RATES—DRAFT REPORT.

MR. E. STANHOPE asked the Under Secretary of State for the Colonies, as Chairman of the Select Committee on Railways, If he can account for the publication by the daily newspapers of the Draft Reports submitted to that Committee, before they have been finally decided on?

MR. EVELYN ASHLEY: No, Sir; I cannot account for the circumstance. All that I have been able to ascertain is that the first publication of the Draft Report was in the Dublin *Freeman's Journal.* I think, however, that, with the permission of the House, I may be allowed to say that if that publication has occurred through the instrumentality of any Member of the Committee, I cannot understand how any Gentleman could consider it consistent with his duty to the House to treat a Paper marked "strictly private and confidential" as one which should be laid before the public.

EGYPT—THE POLITICAL CRISIS.

MR. M'COAN asked the Under Secretary of State for Foreign Affairs, Whether Sir Edward Malet had been instructed to take any and what steps to exact punishment and reparation for the murder of the British subjects killed in Alexandria during the riot of the 11th instant; whether any provision, beyond the stationing of a gunboat at either end of the channel, has been made, or is contemplated, for the protection of the Suez Canal; whether Sir E. Malet has been any party to the arrangement under which Ragheb Pasha has formed a new Egyptian Ministry in which Arabi Pasha remains Minister of War; and, whether, in view of the recent Anglo-French Note, demanding the removal of Arabi from office and his exile from Egypt, Her Majesty's Government will recognise any ministry of which he still forms a part?

MR. A. J. BALFOUR said, that before that Question was answered it might be convenient that he should ask the Prime Minister a Question on this subject, of which he had given him private Notice. That Question was, Whether Her Majesty's Government still adhered to the policy which they had announced, that no settlement of the Egyptian Question could be entertained or sanctioned by Her Majesty's Government which did not require the dismissal of Arabi Pasha from any position of trust or power in Egypt; and, whether that declaration had been laid down as one of the bases of the approaching Conference?

SIR CHARLES W. DILKE: Sir Edward Malet was informed on the 17th instant that Her Majesty's Government abstained from making demands for the present; but that he was to let it be clearly understood that they would require full reparation and satisfaction for the outrages committed during the recent disturbances. The Government have already declined in both Houses to make a detailed statement as to the safety of the Suez Canal; but they attach the highest possible importance to the immense interest of England in connection with it. Sir Edward Malet has not been a party to the formation of the new Egyptian Ministry; and Her Majesty's Government have in no way receded from their declaration on the subject.

MR. A. J. BALFOUR said, that perhaps now the Prime Minister would answer the Question he had put to him.

MR. GLADSTONE: Sir, I am bound to say that this is rather a strong example of the inconvenience of putting Questions relating to matters of the utmost delicacy without due Notice. ["Oh!"] I think I have a right to express that opinion, although hon. Members opposite think it necessary to interrupt me. The so-called "private Notice" which I received was a note placed in my hands as I entered the House. Undoubtedly, a part of it does join on and dovetail with the answer just given by my hon. Friend, in which he stated that Her Majesty's Government had nothing to retract from what they had heretofore said on the Egyptian Question. But alongside the question of the ultimate political settlement of Egypt there has come up another question, which for the moment is the dominant question, and that is the safety of European life and property in Egypt. That cannot be considered except with reference to the hands in which the power is temporarily placed. That question and the interests connected with it would render it highly improper in me to give any answer to the Question now addressed to me. With regard to the Conference, I can give a little more particularity to the answer I gave yesterday, because reference has been made, in the Correspondence now going on, to the particular despatch as containing what we are quite ready to admit are the bases of the Conference. That is a despatch dated the 6th of February, and it is included in the Papers already in the hands of Members.

Mr. ARTHUR ARNOLD asked the Under Secretary of State for Foreign Affairs, Whether the Sultan has concurred with the holding of a Conference upon the affairs of Egypt; and, whether he can state where and when this Conference will be held, and what Powers will be represented?

Sir CHARLES W. DILKE: Sir, as the result of the exchange of views which has lately taken place among the Powers, the Great Powers have agreed, upon the initiative of England and France, that there is ground for deliberation in common on the present state of Egypt, and on the measures which it may entail; and Her Majesty's Government and the Government of the Republic have proposed that the Representatives of the six Great Powers shall meet in Conference at Constantinople on Thursday next.

Mr. G. W. ELLIOT said, that the latter part of the Question had not been satisfactorily answered.

Sir CHARLES W. DILKE: I can only state that the present information that the Government have is that the Conference is to meet without the concurrence of Turkey; but the hon. Member will see, when he comes to read the Correspondence, that it is not easy to answer accurately Questions on this subject.

Mr. J. LOWTHER: Has the Sultan declined to take part in the Conference?

Sir CHARLES W. DILKE: All I can say is that there is an actual conflict of words on the fact.

Sir H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether, on the 25th of September 1881, Sir E. Malet wrote to Lord Granville in the following terms:—

> "During the late crisis there was a considerable panic in the large Foreign population at Alexandria and Cairo, arising not so much from the expectation that the movement would turn against Foreigners, as from the sense of helplessness on their part if it did.
>
> "In connection with this point, I would venture to recommend that one of Her Majesty's ships of war should be stationed at Alexandria during the winter;"

whether, on the 24th of October 1881, after the withdrawal of the "Invincible," Sir E. Malet again wrote to Lord Granville, as follows:—

> "The despatch of H.M.S. 'Invincible' to Alexandria, which was ordered by Her Majesty's Government in consequence of a passage in my despatch of the 25th ultimo, in which I had ventured to recommend that a ship of war should be stationed at Alexandria during the winter, assumed, from the force of circumstances, a different character from that which was intended. The complaint and the presence of the Turkish Commission gave it a political significance which had not originally belonged to it, with the ultimate result that, instead of being stationed at Alexandria, and fulfilling the object of preventing panics among the Foreign population, the 'Invincible' quitted the port on the day following her arrival.
>
> "I trust that this circumstance may not prevent Her Majesty's Government from carrying out the design with which the 'Invincible' was first despatched;"

and, whether he can state the dates of the arrivals and departures from Alexandria of any of Her Majesty's vessels of war between that date and the present time, and of the class, tonnage, and armament of such vessels?

Sir CHARLES W. DILKE: Sir, the passages in Sir Edward Malet's despatches, to which the hon. Member refers, are correctly quoted. For the information respecting the movements and size of Her Majesty's ships, I must refer the hon. Member to the Secretary to the Admiralty.

Sir H. DRUMMOND WOLFF asked, How long it was since the 25th of September, when Sir Edward Malet wrote to Lord Granville that Alexandria had been left without the presence of any English man-of-war?

Sir CHARLES W. DILKE: The hon. Gentleman's Question only appeared upon the Paper yesterday, and it was impossible for me to obtain the necessary information from the Admiralty by 2 o'clock to-day. I think it would be best to address the Question to the Secretary to the Admiralty.

Sir H. DRUMMOND WOLFF said, that the hon. Baronet had referred him yesterday to the Secretary to the Admiralty, who, when he had put a Question to him to-day, had declined to give him any answer.

SIR CHARLES W. DILKE: The hon. Member is inaccurate in saying that I referred him yesterday to the Secretary to the Admiralty.

MR. CAMPBELL-BANNERMAN: I understand my hon. Friend to say that yesterday the hon. Baronet referred him to me, and that I have declined to answer him. The hon. Baronet did not refer my hon. Friend to me. The words used, which, for greater accuracy, I have brought with me, were these; he concluded his answer by saying—

> "In the opinion of the Admiralty, however, it would not be right for me to state the purport of those instructions."

That is hardly a reference to me for further information.

SIR H. DRUMMOND WOLFF: I am very sorry I cannot quite agree with my hon. Friend. I therefore wish to ask him a Question. I want him to inform me, not what instructions the Admiralty have issued to Sir Beauchamp Seymour, but what were the measures taken for the protection of British life and property in Egypt up to the 11th of May, the Under Secretary of State having stated that he had received a despatch from Sir Beauchamp Seymour containing information on that question. It is a question of fact, and not of instruction.

MR. CAMPBELL-BANNERMAN: I cannot understand how the hon. Member can think that this Question can be answered by me. The answer of my hon. Friend the Under Secretary of State for Foreign Affairs, if I must read it in its whole length, was this—"The despatch of Sir Beachamp Seymour containing an answer to the first part of the Question is on its way home." He did not say it had come, but that it was on its way home.

MR. BOURKE said, that if it was not inconvenient to the Prime Minister, he should like to ask him one Question arising out of the answer he had given as to the bases of the proposed Conference. The right hon. Gentleman, in his answer just now, had referred to a despatch of the 6th of February, in which the bases of the Conference were stated to be, as far as he understood them, the maintenance of life and property, the welfare of the Egyptian people as secured by the Firman of the Sultan, and the strict observance of International engagements. He should like to ask the right hon. Gentleman a Question with regard to the last paragraph. Alluding to the Conference, the last paragraph said that it was also, in their opinion, the right of the Sultan to be a party in the proceedings of the discussion which might ensue. He wished to ask whether that portion of the arrangement so proposed by Lord Granville in February with respect to the Conference had been departed from, and whether the Government had abandoned the idea of the Sultan taking part in this discussion?

MR. GLADSTONE: No, Sir; undoubtedly, it was our opinion that it would be his right, and it is so now; but the Sultan himself is of a different opinion, and in this particular he does not fall in with the opinion which all the other Powers have arrived at. We have neither the inclination nor the power to override his judgment.

MR. ONSLOW asked whether, as the Porte had decided not to join the Conference, it would still be held at Constantinople?

MR. GLADSTONE: Yes, Sir.

EVICTIONS (IRELAND)—LORD ROSSMORE'S ESTATES.

MR. DILLON asked the First Lord of the Treasury, Whether he has been informed that several writs for arrears of rent have been served on the estates of Lord Rossmore, Stephen Murphy, and the Rev. Hans Acheson, in the county of Monaghan; that three writs have already been executed on the Rev. Mr. Acheson's property, the tenant's interest in each case being sold and purchased by the bailiff, with a view to bar them from all rights under the Arrears Bill; and, that ejectments on the title were served on June 12th; whether his attention has been directed to a letter from Rev. D. Donnelly, Lord Bishop of Clogher, dated June 1st, and in which occurs the following words:—

> "Writs, you see, are being issued over the Rossmore Estate, writs for rent arrears which every one knows the people are utterly unable to pay, writs which therefore mean simply, be Lord Rossmore's legal rights what they may, the utter destruction and annihilation of the unfortunate tenants;"

whether he is aware that this system is being adopted in many parts of Ireland;

and, whether, in view of this state of things, he will not now consider the necessity of immediately introducing a short Bill putting a stay of six months on the execution of all eviction decrees in Ireland?

Mr. GLADSTONE: Sir, my attention has not been called to the instances mentioned otherwise than by the hon. Member's Question. I naturally read the Question with great pain, in consequence of the allegation which by implication it contains. With regard to the inquiry whether I am aware that this system is being adopted in many parts of Ireland, I had better refer the hon. Member to what has already been stated by the right hon. Gentleman the Chief Secretary for Ireland. The hon. Member further asks me whether I will consider the necessity of immediately introducing a short Bill putting a stay of six months on the execution of all evictions in Ireland? That is a repetition of a Question which I have already answered. I do not complain of the Question being repeated; but I can only refer the hon. Member to my former answer, in which I state that I know of no mode in which we can effect the object desired by the hon. Member, except by expediting ourselves, and, as far as we can, inducing others to expedite, the passing of the Arrears Bill. That this legislation should be expedited as much as possible is the interest, not of the tenants alone, but also of the landlords. I have received this morning a letter from a landlord in the West of Ireland, who was well known to me long ago, in which he states—and I place the utmost reliance upon his statement—that not only has he received no rent for the last four years, and that, being convinced that any attempt to evict would only cause crime, he has not evicted anyone, but that these Sessions he is sued by the Guardians of his Union for the payment of £192 for poor rates. Under these circumstances, we can only trust that in the interest of all, both landlords and tenants, everyone will strive to expedite the Irish legislation as much as possible.

PARLIAMENT—BUSINESS OF THE HOUSE—THE NEW RULES OF PROCEDURE.

Mr. GORST asked the First Lord of the Treasury, Whether his attention has been called to a speech made by Mr. R. W. Duff, Junior Lord of the Treasury, at Banff, on the 16th instant, in which he is reported to have said:—

> "I believe the Government are determined to pass the Procedure Rules, if possible, before Parliament rises; and, if not, though of course I am not in Cabinet secrets, I believe by calling an Autumn Session for the purpose;"

and, whether Mr. R. W. Duff has correctly described the intention of the Government of which he is a Member?

Mr. GLADSTONE: Yes, Sir; my attention has been called to the speech of my hon. Friend; and I observed with pleasure that my hon. Friend, in the exercise of that caution which is supposed to exist North of the Tweed in a degree at least equal to that in which it exists South of the Tweed, did not undertake to convey in his remarks the intentions of the Government; but said that his own opinion was that it would not be an unreasonable course if they were determined to carry the Procedure Rules; and, standing upon that opinion, he thought that the Government would act upon it. It was very natural, I think, with the perfect confidence my hon. Friend has in the Government, that he should think that whatever has commended itself to him as highly reasonable would be adopted by the Government. I shall, Sir, have something more to say on the subject when I come to speak on the Business of the House.

PARLIAMENT—PARLIAMENTARY ELECTIONS (CORRUPT AND ILLEGAL PRACTICES) BILL.

Mr. CAVENDISH BENTINCK asked the First Lord of the Treasury, Whether three letters, which were published by the "Times" newspaper, on Saturday, 10th June, and which purported to have been respectively addressed by the First Lord of the Treasury, the Chancellor of the Duchy of Lancaster, and the President of the Board of Trade, to the Birmingham Trades Council, on the subject of the Corrupt Practices Elections Bill, are genuine; whether Her Majesty's Government propose to amend the Corrupt Practices Bill by charging official election expenses on the local rates; and, whether he is now prepared to inform the House what course he intends to take upon the amendment of the honourable Member for Stoke, referred to in the above-mentioned letter?

MR. GLADSTONE: In reply to the hon. Member's Question, I have to state that the three letters referred to in the Question as having appeared in *The Times* are genuine. Her Majesty's Government have no intention of proposing to amend the Corrupt Practices Bill by charging official election expenses on the local rates.

PARLIAMENT—BUSINESS OF THE HOUSE—QUESTIONS.

MR. MAC IVER, as a point of Order, asked the Speaker if it was not part of the unwritten law of Parliament that private Members should refrain from pressing on Ministers Questions which, in their discretion, it was not for the public interest should be answered; and also, if it was not part of the unwritten law of Parliament that Ministers who assumed to answer Questions should use reasonable endeavours to see that those answers were correct? The point on which he respectfully asked the judgment of the Speaker was whether the practice of making evasive and incorrect statements in reply to Questions was not disrespectful to Parliament and fraught with inconvenience.

MR. SPEAKER: The hon. Member is not asking me a Question on a point of Order now arising, and therefore I must respectfully decline to answer.

MOTION.

PARLIAMENT—BUSINESS OF THE HOUSE.

MINISTERIAL STATEMENT.

MR. GLADSTONE: Sir, I have to move that the Arrears (Ireland) Bill have precedence, on every day for which it is put down, of all other Orders of the Day and Notices of Motion except the Prevention of Crime (Ireland) Bill. I have postponed making this Motion until to-day, because when we commenced proceedings on the Prevention of Crime Bill I had no means of forecasting what would be the duration of those proceedings, or what would be the amount of pressure on the time of the House, and unless there were considerable pressure on the time of the House I did not wish to make a Motion of an innovating character. But, in the present circumstances, there is no need of any detailed justification upon making this Motion, so far as the immediate subject-matter is concerned. The House is aware, from many previous declarations, that the Prevention of Crime and the Arrears Bills are both, in the view of Her Majesty's Government, absolutely necessary to be passed into law, and to be passed with such despatch as a just consideration of their provisions will allow. I do not know whether there is any disposition to contest that proposition generally; but I will not detain the House by dwelling on it. But intimation has been given, and not unreasonably, considering that we have now reached the 20th of June, that it would now be expected that the Government would give some account of their general views, as far as time permits, with regard to the further transaction of Public Business in the House; and, Sir, it is quite natural that when the Government are asking for time to push forward Business for which they are more immediately responsible, other Members of the House, who have business of their own in which they take a deep interest, should wish to be assured that the Government are not going to take advantage of the facilities that may be given to it for the purpose of giving any unfair precedence to measures, either which they have introduced or which they may intend to introduce, over Business in charge of independent Members. Of course, the House is aware that the Prevention of Crime Bill occupies, and has all along occupied, the first place in the view and intentions of the Government. As regards the intentions of the Government with respect to the Arrears Bill, I wish to say that, with the consent of the House, I should desire to pass it through Committee *pro formâ*. The House is aware that that will in no manner diminish the privilege of any Member of discussing any portion of this measure, either on the Motion to leave the Chair or in Committee. But there are two or three changes which we wish to introduce into the Bill, and it is for the convenience of the House that changes of the kind should be embodied in the text of the Bill, rather than that a number of Amendments should be on the Paper in the name of the promoters of the Bill, possibly causing some confusion and some difficulty to other Members in giving Notice of Amendments which they may wish to propose. The Amendments which we wish to introduce into the Bill are already in type, and I believe may be distributed to-morrow morning, and the Bill committed *pro formâ* on a future day. The Amendments we propose to introduce are substantially these. In the first place, there is an Amendment which is no alteration of the intention of the Bill. We are not quite satisfied with the definition in the Bill as it stands in regard to the particular words "accrued due," in the 1st clause, and in regard to determining the important point what rents paid may be set down as accrued in 1881. We wish to make our original intention, to which we adhere, perfectly clear. That is one change. The next point is this. As the House is aware, the clause in the Land Act of last year operated only to a very small extent, and we introduce an Amendment which is limited to this object, for the purpose of enabling a very few persons who took advantage of that clause to submit themselves to the conditions of the present Bill, which are not in all respects the same, and to go through the conditions and to take the benefit of the present Bill. I think that is a provision which will be generally approved. The third alteration touches another point of importance. It is to avoid the risk which might be if we were to place new duties in the hands of the Sub-Commissioners under the Land Act at the present moment—a risk which might interfere with the great progress they are making in the important business they have in hand. We propose, therefore, to ask the House to empower the Land Commissioners, subject to the consent of the Treasury, to appoint competent persons for the purpose of making investigations into questions of fact which the Bill contemplates as being necessary to adjudication. These matters, it will be observed, raise questions of principle; but as they do not alter the *corpus* of the Bill, I propose to take the course I have stated. The next Bill of which I wish to take notice is the Tax Bill. I need not go into the details. The House is aware how it stands. It is an exceedingly simple measure, as our action is extremely straitened by the circumstances of the comparative revenue and charge of the country. In order to enable us to fulfil the engagement entered into at the commencement of the Session, the Bill proposes an augmentation on the tax on carriages. I do not anticipate any discussion, nor give any opinion on this subject; but the House will see, from the manner in which these two matters are associated together, that they will have to take their choice between granting the relief and imposing the charge, or letting the matter stand for another occasion, when the Government may be enabled to deal with the projected changes in the local charges and government. The Government hope to be able to obtain a measure dealing with this question next year. These subjects I have mentioned to the House already on former occasions. I will now refer to two Bills which are likely, I know, from Notice given, to be mentioned to-day. I will anticipate the hon. Members, and, so far as I can, open the way for the hon. Gentlemen in charge of the Bills, if they may feel it necessary to say anything on the subject of them. The first is the Irish Sunday Closing Bill. I have been requested to state the intentions of the Government in regard to this Bill. I can only say, Sir, that, in our opinion, the Act ought not to be suffered to expire; but there is an important question in relation to it with regard to large towns, which are now excluded from its operation. I cannot say whether it will or will not be convenient to deal with that during the present year. If it is so, I do not know that the Government are under any obligations to charge themselves with the conduct of the Bill; if it is not dealt with as to that important but secondary question—in that case it will be our duty to insert it in the General Continuance Act of the year. The hon. Member for Mid Lincolnshire (Mr. Chaplin) has intimated that he will ask what facilities we can give, or whether we are prepared to give any facilities, for the further consideration of the Agricultural Holdings Bill, which deals with a subject in which he and many others take a great interest. Sir, when we are compelled to make sacrifices, some of them absolute and some of them contingent, of measures which seemed likely to be realized this Session, and measures of our own, and even measures announced in the Speech from the Throne, the hon. Gentleman will not be surprised that I cannot enter into any engagement with him on this subject at the present time. When the two Irish Bills are disposed of [*A laugh*]—I must say that experience causes me great anxiety that the House should make up its mind with despatch upon these two Irish Bills, for the sake of the best interests of Ireland; and I am sorry that hon. Gentlemen opposite should be tempted to smile in connection with such a subject—when these two Bills are disposed of our command of the time of the House will have ceased, and private Members will then re-enter into possession of such rights as they usually enjoy at that period of the year. What I am going to say, Sir, I shall say not without some hesitation. I am by no means sure that the hon. Member will take advantage of it, or be inclined to take advantage of it; but I do feel great anxiety, and the Government feel great anxiety, that some progress should be made, if possible, in the business of satisfactorily legislating with regard to agricultural holdings on this side of St. George's Channel. There are several Bills before the House. My hon. Friend the Member for North Devonshire (Sir Thomas Acland), behind me, has a Bill upon this subject. There is, I believe, a third Bill of another hon. Member —the Member for Bedfordshire (Mr. J. Howard). I do not know what view may be taken exactly on the merits of these Bills; but it may be that as to some of these Bills, or all of these Bills—I cannot say which, nor is it the business of the Government, as a Government, to charge itself with any judgment upon the merits of those Bills at the present moment—but it may be that, by favour, the House might be disposed to give to several of these Bills a second reading without the necessity of a debate at that stage. Well, Sir, what we think is this. If it were the pleasure of those in charge of any of those Bills, or of all of them—I do not interfere with any such arrangement, or give any particular opinion about it—but if it were the pleasure of the House to allow the privilege of a second reading, either without discussion or without any ample discussion, and if it were then the pleasure of the Gentlemen in charge of the Bills to move to refer them to Committees chosen *pro hac vice*, without committing them to the general judgment of the House in the manner indicated in the Rules laid upon the Table with respect to Procedure, the Government will make no objection. They have no intention of forcing that course upon hon. Members. They only wish to say that they will place no impediment to that course in case those in charge of other Bills, or the House generally, think that any good can be gained by the adoption of such a mode of action. We only propose this as a matter for consideration. There is one other point. There are two Bills relating to Scotland which I wish to mention. One is on the subject of Scotch entail. It has not yet reached this House, but it is likely to arrive here; and I believe it represents, so far as I have yet been informed, a very great unanimity of Scottish feeling on the subject. I hope, if that is so, if the Bill should arrive here from the House of Lords, we certainly should be anxious that it should be passed. There is another Bill relating to endowments in Scotland, to which also many Scotch Members attach great value. I cannot say that it will be in our power to appropriate the time of the House for that measure, which is a Government Bill. But if Scotch Members think that any suggestion such as I have made with respect to the Bills of the hon. Member for Mid Lincolnshire (Mr. Chaplin) and my hon. Friend the Member for North Devonshire (Sir Thomas Acland) can be made available in that matter, that is a question of which we by no means intend to prevent the discussion. But further than that we do not go. It would not be fair to do so. The appointment of large Committees for practically dealing with certain Bills is part of our own plan in relation to Procedure, and we do not desire, by indirect means, to obtain the sanction of the House to that plan. Well, Sir, these are all the Bills which I should mention at the present moment. But there is still an exception. There is the question of the amendment of the Land Act. That comprises several important questions. I do not know that I can enumerate them all from recollection. There is the question of leases, with regard to which certain recommendations have been submitted to the Government by the Land Commissioners. There is the question relating to the labourers, with respect to which also certain recommendations have been submitted; and, thirdly, there are the Purchase Clauses. I can announce no intention, no positive intention, upon the part of the Government; I can only give assurances that we will endeavour to make up our minds, at what we think the proper time, when we approach the close of the discussion of the two Bills now before the House. But, Sir, I have made a serious mistake in passing over an important measure, or rather three measures, which I think I ought to have mentioned to the House. It was in my anxiety to get at the Bill of the hon. Member for Mid Lincolnshire that I overlooked them. The first is the Bill dealing with Corrupt Practices. That has made considerable progress, and it is the intention of the Government to persevere with it. It would involve great loss and waste of the time of the House if we entertained any intention not to send that Bill on to the other House with a view to its passing into law. There are two other Bills on important subjects—one relating to certain boroughs, the total or partial disfranchisement of which is provided for; the other is a Bill relating to the amendment and continuance of the Ballot Act. With respect to these two subjects, I cannot, at the present moment, announce any final decision. Our proceedings must depend upon the progress of Business. I, therefore, distinguish between them and the Corrupt Practices Bill, upon which our mind is certainly made up, as to our duty in persevering with them. With respect to these, it will be our duty to take further time before we arrive at a conclusion. There are two other subjects, one the amendment of the Land Act, of which I have sufficiently disposed for the present purpose; the other is the important question of Procedure. At the present moment I have no positive announcement to make excepting this—that the Government remain more than ever convinced that a satisfactory and thorough settlement of the question of Procedure may, in one sense, be said to transcend every other measure of importance—in this sense, that upon it depends the efficiency as well as the dignity of the great legislative instrument by which the Business of the Empire is mainly carried on—namely, the British House of Commons. With the evils of the present system we shall deem it our duty to deal if any legitimate method be open to us. We shall deem it our duty not to remit the settlement of this question of Procedure to another Session of Parliament in the coming year. We desire that when Parliament meets for its annual Session in February next, or about its usual time, whatever precisely that time may be, it shall not have about its neck the terrible embarrassment brought about by the present state of its Rules and Orders, but shall be enabled to set about with something like its old energy and dignity to the transaction of its Business. At the present moment, I do not go further; but with respect to those matters on which I have not spoken definitely, when we obtain some further daylight, with respect to the two Bills now before the House, I shall be desirous, and it will be quite right and just, to give the House some further information.

Motion made, and Question proposed,

"That the Arrears of Rent (Ireland) Bill have precedence, on every day for which it is set down, of all other Orders of the Day and Notices of Motions, except the Prevention of Crime (Ireland) Bill."—(*Mr. Gladstone.*)

Sir STAFFORD NORTHCOTE: Mr. Speaker, as far as relates to the particular measure to which this Motion points, I think that the right hon. Gentleman has undoubtedly, from his point of view, stated the case very fairly. But I think we ought to take care, before we assent to the proposal he makes, to enter these two *caveats.* In the first place, it must not be assumed that by giving assent to the proposal that we should lay aside all other Business for the purpose of proceeding with this Bill with regard to arrears that we are giving assent to the scope and merits of the Bill. I am quite aware of the inconvenience that arises from keeping this burning question open any longer than can be avoided; and I am, on that ground, not unprepared to agree to the proposal for the rapid discussion of that Bill, subject to one or two reservations. But I think it ought to be clearly understood that we do not thereby abandon the objection which many of us feel to this Bill, and that we shall not refrain from criticizing, and even, if necessary, opposing it. Besides that general observation, I wish to put a particular question to the right hon. Gentleman, with regard to certain information which I think the House ought to be in possession of before we proceed to the discussion of that Bill. There were two questions put last week—one by myself, the other by my right hon. Friend the Member for Westminster (Mr. W. H. Smith).

Mr. GLADSTONE: It was an omission on my part. I should have mentioned that. The first Paper relating to the sufficiency of the Church Surplus Fund, and the finding of the money, is actually in type, and, I hope, will be in the Vote Office this afternoon and circulated to-morrow. The second Paper is also all but ready, and will be in the hands of Members, I hope, to-morrow or the next day.

SIR STAFFORD NORTHCOTE: That is satisfactory so far as it goes. We shall have time, no doubt, to examine that. With regard to the proposal of the right hon. Gentleman, that the Bill should go into Committee *pro formâ*, that undoubtedly will be convenient, and we shall have no objection to make. Then we have had from the Prime Minister, besides, a statement with regard to the general condition of Business and the prospects of the year. I must say, from one or two points of view, I feel disappointed by the statement which has just been made; and while I quite agree that it is of importance that we should not lose any time that can be avoided in proceeding with these Irish Bills, I do think there are other questions which ought to be borne in mind, and about which far too little has been said. With regard to the Budget Bill, the right hon. Gentleman said that it was one of the measures that would be proceeded with. We knew that; but what we want to know is, when it will be proceeded with? Is it intended that the Budget Bill is to stand over until after the two Irish Bills have been disposed of? I cannot help thinking that that would lead to some financial inconvenience. I do not know how the financial arrangements of the country would stand, with leaving a Bill of that sort over to the end of the financial year. Whether it has been considered or not, we ought to be told when the Bill is likely to be taken, or whether we are to wait for the indefinite period pointed out by the description that it will be not only after the Arrears Bill, but after the Prevention of Crime Bill has been concluded. I rather infer from what was said by the right hon. Gentleman with regard to the Carriage Tax that the proposal is likely to be withdrawn. If so, that would answer the question which otherwise I should put; but if it were persevered with, we must remember that it will be an additional tax, imposed for the purpose of giving certain relief, and we shall require to be informed how that relief is given, and take care that at the end of the Session we have not been putting on a burden without giving any relief. If I am correct in reading between the lines of what the Prime Minister has said, and in inferring that the Carriage Tax is likely to be withdrawn, we shall not be put in that particular position. But it seems to me that in the minds of all who feel strongly on the question of local burdens, some dissatisfaction will arise that the question of the Road Tax should not have been dealt with after all; and my hon. Friend the Member for Oxfordshire (Mr. Harcourt) may, perhaps, feel that he has a word or two to say upon this subject at the proper time. There is another point on which we have been told nothing, and that is, what are we to do about Committee of Supply? Now, undoubtedly, the Business of Ireland is extremely important, but the Business of Supply is, perhaps, the primary duty of the House of Commons; and we have had this year uncommonly few opportunities of proceeding with Supply, which, consequently, is in a very backward state. I have no accurate account of the precise state of the Votes; but my impression is that only one Vote has been taken for the Navy, eight for the Army, and I think the Education Vote has been taken, but not the whole of it, and some two or three Votes of comparatively little importance have been taken in the first class of the Civil Service Estimates. That on the 20th of June is by no means large progress, and there are certain matters in regard to these Estimates which demand our examination. We on this side of the House have been reproached for our extravagance, and we want to have an opportunity of seeing some of that economy practised which was so loudly preached, that we may have an opportunity of profiting by the lesson. We have not been told anything with regard to the other Bills of Her Majesty's Government. There has been a very clean sweep of a considerable number of measures mentioned in the Queen's Speech. With regard to those which have been proceeded with, undoubtedly I express the general feeling on this side of the House when I say that we are glad to hear that the Government do not intend to drop the Corrupt Practices Bill. A great deal of time has been spent on it, it is a very important Bill, and we are glad it is to be proceeded with. I am not sure that it will not be found possible to deal with one or two other Bills which have made progress, either in the hands of the Government, or in those of private Members. The Agricultural Bills, to which reference has been made, are, doubtless, important Bills. I speak especially of the Agricultural Bills which have been mentioned by the Prime Minister, and which I think of great importance. I will also venture to refer to another Bill, which is in the hands of a private Member opposite, and which was to have been one of the Government measures. I mean the Bankruptcy Bill, which has made some progress. I suppose this Bill will be proceeded with. These are the matters upon which we must accept such a statement as the Government can make. Subject to the question which I have asked as to when the right hon. Gentleman proposed to proceed with the Budget Bill, and also to what I have said of the importance of taking Supply, I should have no further observations to make upon the necessary measures which are likely to be before us. But I must say one word on the subject of the Rules of the House. It seems to me that the Government are taking a course with regard to the Procedure Rules which is not likely to facilitate the real Business of the House. It seems to me that a great deal of time has been consumed in the present Session—I will not use the word "wasted" —by a not very well advised attempt to pass those Rules. I cannot but think that much wiser steps might have been taken. A great deal of irritation might have been avoided, and practical improvements made in the Rules of Procedure, if the Government could have persuaded themselves to take the matter up in a different way. I am quite aware that when the Government have got into a contest with a certain part of the House, and feel themselves supported by a majority behind them, it is difficult to stop in a course on which they have entered and to strike out a new one. But so much time has elapsed, circumstances have so much changed in many particulars, that I cannot but think that the Government may yet be disposed to take counsel in this matter, and to consider whether they cannot make these proposals in a form more likely to be acceptable to the general feeling of the House and more efficient to the purposes in view. Whether we deal with it in this Session, that is in the usual Session, or in the manner hinted at by the Junior Lord of the Treasury (Mr. R. W. Duff), and rather ingeniously hinted at by the First Lord of the Treasury when he said that the Government would not be willing to remit this question to another Session—which was rather significant of its being dealt with in the coming autumn—I can only say we must wait. But I think the last proposal is one which will be extremely unpopular, and I greatly doubt whether it will tend to the satisfactory settlement of the question. Well, there is still a subject which has not been alluded to by the Prime Minister, upon which I should like to say a word or two, and I would introduce it by the observation that a great many complaints have been made, and the country at large has been a good deal surprised in consequence of the large and increasing number of Questions continually put in this House. No doubt the number of questions is large. But it is to be borne in mind that one cause is the fewness of opportunities for discussing questions of importance in consequence of the absorption of the time of the House by the Government taking possession of private Members' days, and also of the length of time expended in discussing Government measures. I only mention that in passing, in order to say that I think the Government, in considering the time which remains at their disposal, have forgotten that it will be important before long that we should have the means of discussing a portion of their foreign policy. There has been no disposition—on the contrary, there has been the direct opposite of a disposition—on the part of this side of the House to embarrass or annoy the Government in the policy they are pursuing. But do not let the Government deceive themselves in consequence of that. Do not let them think there is any indifference on our part. It is a subject which it will be necessary for us to discuss, and before very long we shall have to call upon the Government to state when it will be possible to give information which will enable us to discuss it. It will be quite impossible to make a reckoning as to the close of the Session without taking into account the necessity of that. I do not know that I need say anything more on these points at the present moment. I think, as far as the proposal goes, that the Government might have left it till later. But we have no reason to object to the particular proposal to do for the Bill in its remaining stages what we did at its second reading. We gave it precedence on its second reading, as we gave precedence to the Prevention of Crime Bill. We think the same course may be followed with regard to the Arrears Bill, with the understanding that we do not waive any objections or abandon any intentions we may have of criticizing or even opposing it.

MR. GLADSTONE said, if any right hon. Gentleman or hon. Gentleman opposite wished to put questions on any of the subjects he had mentioned, perhaps it would be more convenient that they should be asked now, so that he might deal with them all at once.

MR. W. H. SMITH said, that the Motion was that the Arrears of Rent Bill should have precedence on every day on which it was set down. The effect of that would be to enable the Government to take other Business on Government nights, and the Arrears of Rent Bill on Wednesdays and on the Morning Sittings of Tuesday and Friday. No doubt, it was the intention of the Government to take the Arrears of Rent Bill from day to day; but, as he said, the Motion would enable them simply to appropriate the days of private Members. He presumed that, with the necessary intervention of Supply, it was intended that the Bill should be continued from day to day.

MR. ONSLOW inquired of the Speaker whether, if he put a question to the Prime Minister, to suit the right hon. Gentleman's convenience, he could afterwards speak on the general policy of the Government?

MR. SPEAKER said, if the hon. Gentleman addressed the House now, he could not afterwards make another speech.

MR. STANLEY LEIGHTON asked whether the Government would endeavour to proceed with the Prevention of Floods Bill on an early day?

MR. NEWDEGATE said, the Prime Minister had spoken of the former efficiency of the House of Commons, and he rejoiced that he had done so, for they had been Members of the same Party from 1843 to 1846. As an old Member, he desired to remark that the delay and obstruction which had been witnessed of late would have been quite impossible in former Parliaments. The House had no right to throw upon its Leader the responsibility for its own inefficiency. There seemed a change in the present House from the temper and disposition of former Houses. There was more individuality, and less independence among Members generally. The Rules of the House were the same as they were in 1843 and in 1846. The House had forgotten its corporate duty. Supposing that the House needed new Rules, as had, indeed, been admitted, he (Mr. Newdegate) could only say that the House was already very late in adopting them. The habit of putting questions had grown into an abuse. This practice frittered away the responsibility of Ministers, while it proved the inability of the House to exact their responsibility. As an old Member, he would appeal to the House to vindicate the transaction of its Business from the stigma now resting upon it.

SIR R. ASSHETON CROSS said, he hoped that the Settled Land Bill of Lord Cairns, which had passed the House of Lords, and, after a second reading in the Commons, had been referred to a Select Committee, and which had been regarded most favourably in all quarters, would receive, at all events, the favourable attention of the Government this Session. It affected the interests of a large number of people.

MR. CHAPLIN said, he felt grateful to the Prime Minister for his sympathetic tone with regard to a Bill in which he felt interested. The right hon. Gentleman made a suggestion with regard to Bills relating to agriculture, without binding himself to a suggestion which, he thought, it was his duty to notice. He understood the right hon. Gentleman to suggest that those Bills should be referred to something like a Grand Committee. There were three of them, and one that stood in the name of the hon. Baronet the Member for North Devonshire (Sir Thomas Acland) contained so much which he individually approved that he did not think there would be any objection to referring it in connection with one which stood in his own name to a Select Committee; but the Bill of the hon. Member for Bedfordshire (Mr. J. Howard) contained principles to which he was so entirely opposed, that he must guard himself at once against being supposed to be willing to have anything to do with it. As to the kind of Committee alluded to by the right hon. Gentleman, he felt precluded from expressing any opinion, or, at all events, a favourable one; he could not predict whether its proceedings would be likely to facilitate the progress of a measure. For this Session, at any rate, he should like to see the two Bills referred to a Select Committee. As to the Rules of Procedure, there was no monopoly on either side of a desire to see some effective change made in them. He would suggest the substitution of what he would describe as an individual *clôture* for the general and sweeping *clôture* proposed by the Prime Minister's Resolution—a solution of the difficulty which he believed would find more favour than the right hon. Gentleman imagined. As to the present Motion, it was hardly fair to ask them to assent to it before they had seen the Amendments proposed to be made in the Arrears Bill; it was possible they might influence Members in considering the Motion, particularly if, like himself, their views were hostile to the measure. But why was the Motion made at the present time? It seemed premature until they approached somewhat nearer the completion of the Committee on the Crime Bill, especially as it was understood there was no intention of taking any other Business until the Bill was through Committee. The Motion might very well have been postponed at least a few days longer. He hoped it would not be agreed to, unless they had a distinct assurance that no further attempt would be made to carry the Procedure Resolutions in their present shape during the present Session.

Mr. JUSTIN M'CARTHY asked the Prime Minister whether he would arrange that the Committee on the Arrears Bill should take precedence of the Report on the Prevention of Crime Bill? He also wished to direct his particular attention to the extreme importance of endeavouring to do something this Session for the agricultural labourers of Ireland. The right hon. Gentleman might have noticed that he (Mr. Justin M'Carthy) had had a Motion on the Paper dealing with this subject, and that, as it had occupied the second place on the Orders of the Day for this evening, he ought to have fairly counted upon the subject being discussed to-night had it not been cut off by the urgency given to the Crime Bill. He should do his best during the remainder of the Session to obtain a chance of bringing the subject before the House; but he sought to impress upon the Prime Minister the great necessity of the Government taking the matter up, so that it might be dealt with in an effective way this Session. It ought to be clearly understood whether the right hon. Gentleman intended to take up the Arrears Bill on any night on which the Government were unable to proceed further with the Crime Bill. He also thought that fair opportunity should be given to the Opposition to discuss the increasing financial expenditure of the Government.

General Sir GEORGE BALFOUR said, he hoped the Government would not accede to the request of the hon. Member for Mid Lincolnshire (Mr. Chaplin) to send two Bills only to a Select Committee, and leave out that of the hon. Member for Bedfordshire (Mr. J. Howard), which he believed the farmers of England would very much prefer to the other measures. Let that Bill be examined and considered along with the others, and it would be found to compare most favourably in the best interests of agriculture. The very fact of the hon. Member condemning it proved that there was some good in it. He hoped the Prime Minister would do justice to the farmers, and if Bills were to be committed to a Grand Committee, then the three should be dealt with on equal terms.

Mr. RITCHIE said, he desired to ask the Prime Minister whether he had the slightest intention of putting down the Arrears Bill and taking it on any night before the disposal of the Crime Bill? On one previous occasion the Arrears Bill was placed at the head of the Orders before Supply on a Friday, obviously, he presumed, with the intention of that Bill being taken, if possible, before Supply. He feared the reason why the right hon. Gentleman was making this Motion just now was that he might have an opportunity of proceeding with the Arrears Bill, perhaps at a very late hour of the evening, after he had been unable to proceed any further with the Crime Bill that night. Such a course would be extremely inconvenient. With regard to the Budget Bill, the right hon. Gentleman must not suppose that by giving up the increase of taxation, as he proposed to do, he would dispose of a question in which many hon. Members felt a deep interest. They thought it was high time that the question of the management of finance by Her Majesty's Government should be fully discussed. No question influenced more the decision of the constituencies at the last General Election than the attack made by those who were at present in power upon the financial arrangements of those who were now in Opposition. They ought to understand that a full opportunity would be given to discuss, not only the actual proposals made by the Government in this year's Budget, but also the whole scale of expenditure in this year's Budget, with a view of ascertaining how it was that the expenditure of the Government was on a much larger scale than the expenditure which they so much denounced when they were in Opposition.

MR. ARTHUR ARNOLD said, the Prevention of Floods Bill raised a matter which the present condition of the country made one of considerable urgency and importance; and he hoped the Prime Minister would not entirely exclude the further consideration of that Bill from the programme of Her Majesty's Government.

MR. GORST said, he thought the hon. Member for Mid Lincolnshire (Mr. Chaplin), and the hon. Member for the Tower Hamlets (Mr. Ritchie), gave expression to a very natural curiosity, which must be felt in many parts of the House, as to why the Government made this particular proposal at this particular time. It was quite obvious that there was no necessity for it. The Motion, if carried, could not possibly be operative at all for a week, or even 10 days. Why, then, should the Government have come down on this particular afternoon to ask the House to assent to this apparently useless proposal? He thought the hon. Member for Longford (Mr. Justin M'Carthy) had indicated what possibly might be the reason of this; and he should be very glad if he could feel quite certain that they were not on the trace of some fresh compact between Her Majesty's Government and those Members representing Irish constituencies, who had hitherto so persistently and with such apparent zeal opposed the Prevention of Crime Bill. Would the Government, in answer to the appeal of the hon. Member for the Tower Hamlets, assure the House that they were not going to act on the suggestion of the hon. Member for Longford, and to take the Committee on the Arrears Bill before the Report on the Prevention of Crime Bill, so that while they were trying to coerce the Irish Members to pass the Prevention of Crime Bill, by holding the Arrears Bill before them, they might, perhaps, try to coerce other hon. Members to pass the Arrears Bill, in order that the Crime Prevention Bill might afterwards follow? Whatever might be the intentions of the Government, there was no doubt that the introduction of the Arrears Bill operated in Ireland as a "no rent" manifesto, which was far more effectual for its purpose than the previous "no rent" manifesto that was issued. Moreover, it was more dangerous to the Irish people, because, while the authors of the earlier "no rent" manifesto were confined in prison, the authors of the second "no rent" manifesto were Her Majesty's Government sitting on the Treasury Bench. It might be that the hopes of hon. Gentlemen representing Irish constituencies had been somewhat blunted, and that the Motion made to-day was a kind of refresher to show them that the Government were in earnest, and meant to carry out what some people believed to be the bargain made in the great "Kilmainham Treaty." He would be no party to a proceeding of this kind, and he hoped there were some Members on that side of the House who would support him in dividing the House against the proposition which the right hon. Gentleman had made. It was his intention to oppose the Arrears Bill most resolutely at every step, because he believed it was a measure which would be unjust to the taxpayers of the United Kingdom, and mischievous and pauperizing to the Irish people. He promised the right hon. Gentleman that when the Bill was brought forward for discussion he would give it a most relentless opposition. If hon. Members were prepared to oppose a Bill of this kind, they had a right to refuse to give the Government facilities for passing it. By voting for the Resolution they would be making themselves a party to the refresher which was thrown out in order to catch the votes of Members from Ireland. In his opinion, those who were opposed to the Arrears Bill ought to vote against the Resolution of the right hon. Gentleman.

Mr. PARNELL said, that, as the Government intended to commit the Arrears Bill *pro formâ*, he wished to direct attention to a matter which, he thought, was germane to that measure. The Land Act of last Session, according to the construction placed on it, permitted the judicial rent to date from the day of the application of the tenant in all cases where the tenant made his application on the occasion of the first sitting of the Court. About 40,000 or 50,000 made application at that time, and, consequently, they were placed in a very advantageous position as compared with those who made application afterwards. He would ask Her Majesty's Government to consider whether they could not see their way to make all arrears of rent which did not now come within the provisions of this Bill to be computed on the basis of the decision of the Court, where the tenant had made an application to have a fair rent fixed—that was to say, if a tenant was paying £15 a-year rent, and his judicial rent was fixed at £10, he should be entitled to claim a rebate of £5. In that way the tenants who had not yet made an application to the Court would be encouraged to enter the Land Court, and their landlords would be encouraged to make those settlements out of Court which were so desirable, if the Act were to succeed in its object. He was afraid he had not conveyed his meaning very clearly, but perhaps the Prime Minister would understand it.

Mr. GLADSTONE: I will first of all notice the last suggestion which has been made to me. The suggestion is that, on the committal *pro formâ* of the Arrears Bill, the Government should introduce a provision which would have the effect of applying the reduction of rent which may be made by the Court to the arrears of rent. I am bound to say, without at present entering into the merits of the proposal, that, as far as I have ever viewed the question of committal *pro formâ*, my opinion, and, I think, the practice of the House is, that the changes introduced are introduced for the mechanical convenience—if I may use the phrase—of all parties, and that they are generally understood to be changes in furtherance of the principles of a Bill, but not changes introducing new principles of importance. Therefore, such a subject could not be entertained in connection with a committal *pro formâ*. Even if the proposal of the hon. Member was fit to be introduced—and I am bound to say I do not think it is—I cannot, therefore, see my way to a discussion of it in the House. With regard to the suggestion of the hon. Member for the Tower Hamlets (Mr. Ritchie), I quite agree with him that the Arrears Bill is a measure of such importance that it ought to be taken at the commencement of the evening, as is the usual practice. With respect to the precedence between the Prevention of Crime Bill and the Arrears Bill, I have to remind the House of what I ventured to say on more than one occasion—namely, that the Crime Bill takes precedence of the Arrears Bill, but that the convenience, and even the necessity of the case, requires that there shall be intervals at certain stages in the prosecution of the Crime Bill, and these intervals I should wish to turn to account for the purpose of forwarding the Arrears Bill. With regard to the question why this proposal is made to-day, it should be recollected that it was made to-day after a Notice of several days. The hon. and learned Member for Chatham (Mr. Gorst) professes to know exactly how long the Committee on the Crime Prevention Bill will last; but I have not so much foresight as the hon. and learned Gentleman, and it is our duty to be prepared for any acceleration of the proceedings that might take place. We may have clauses less thorny and difficult than those with which we have been dealing, which may enable the House to dispose of the Bill sooner than at present appears probable. With regard to the hon. Member for Mid Lincolnshire (Mr. Chaplin), I do not intend to interfere in any way, on the part of the Government, as to the Bills he has mentioned; but I wish to leave the matter entirely to the free consideration of those concerned. With regard to the Settled Land Bill, of course the Government can say nothing positive, except that they would endeavour to give the same fair play and fair consideration, when the question arises, to that Bill which they have given upon former occasions. With regard to the question by the late First Lord of the Admiralty (Mr. W. H. Smith), the right hon. Gentleman is perfectly right in his views. It is necessary for us to reserve the power of proceeding with other Business, because of the necessity which may arise for Supply, or in case it should be found necessary to proceed with the Tax Bill; but unquestionably we have no intention of interpolating any Government Business, unless it may be a matter of necessity, to the prejudice of the Prevention of Crime Bill in the first instance, and the Arrears Bill in the second. With regard to the Bill for the Prevention of Floods, we shall be very glad if opportunities can be found for proceeding with it; but it is not possible at present to make any positive announcement respecting it. The right hon. Gentleman (Sir Stafford Northcote) asked when we should proceed with the Budget? That is not an unnatural question. We have not had, as yet, any intimation from the Department of positive inconvenience arising from the delay. I must say the delay is open to objection. It is the regular practice that the Budget Bill should come forward a short time after the Budget, and it is a practice which we have only been parties to interrupting because of the extreme necessity of other Business. As it is, the Budget Bill will come forward, should it be practically necessary, whenever we find the necessity arise; and if the necessity does not arise, it will come forward when we have proceeded with the Crime Bill and the Arrears Bill to such a point as to make it not inconvenient to the House to take it; and the same with respect to Supply. No very long time will elapse before it will be necessary to make an application on the subject of Supply.

SIR STAFFORD NORTHCOTE: A Vote on Account?

MR. GLADSTONE: The first necessity will not be a Vote on Account, but for one of the great Services, and we could not ask the House to go at large into the fields of Supply and Miscellaneous Services without causing a very great interruption and delay in these Irish measures; and that, I think, would be even a greater evil than the postponement of Supply, which I quite admit to be a serious evil. With reference to the subject of Procedure, various suggestions and recommendations have been made. But I think it is better that I should reserve myself in regard to the subject until further progress has been made towards the termination of discussion upon the two Irish Bills. But in one matter I agree very much with the right hon. Gentleman (Sir Stafford Northcote), that the time we have already spent on the subject of Procedure ought not to be thrown away, unless it be an absolute necessity; and I think I have already said that nothing but absolute necessity will prevent us going forward during the present year—and I hope during the present Session—with the subject of Procedure. Beyond that I cannot enter into it in detail at the present moment, but must wait until circumstances are more matured.

MR. J. LOWTHER said, there was one point that had scarcely been cleared up, and that was, what were the relative positions to be occupied hereafter by the two Bills—the Prevention of Crime Bill and the Arrears Bill? The Prime Minister had spoken of availing himself of the interstices that might occur in the Prevention of Crime Bill, in order to deal with the question of arrears. He wished to ask the right hon. Gentleman whether it was his intention to keep back the Prevention of Crime Bill for any purpose one moment longer than was absolutely required for taking its various stages in regular form? For instance, when that Bill had passed through Committee, would a discussion take place upon the Arrears Bill only until the reprint of the Prevention of Crime Bill had been placed in the hands of hon. Members?

MR. GLADSTONE: The progress of the Prevention of Crime Bill will only be delayed when it is for the convenience of the House.

MR. J. LOWTHER said, that the announcement made last night by the Chief Secretary for Ireland had caused the passing of the Prevention of Crime Bill to be a matter of more importance than the convenience of the House of Commons, for he had stated that if the Bill was discussed at great length, and thereby delayed, it was impossible to say what might not happen before it became law. According to the statements of those representing the Irish Department of the Government, the importance of passing the Prevention of Crime Bill far transcended the convenience of the House of Commons. That being the case, did the right hon. Gentleman intend to delay that Bill by a single moment?

Mr. GLADSTONE: No, no; not one single moment.

Mr. J. LOWTHER said, he thought it only right to indicate to the right hon. Gentleman that if he was under the impression that the Arrears Bill was one involving mere detail he was entirely mistaken. He (Mr. J. Lowther) thought he spoke the sentiments of the large majority of the Conservative Party, when he said he believed that the Arrears Bill was offering a direct premium on fraud and an official recognition of dishonesty. The right hon. Gentleman, on a previous occasion, had taken him to task for using language outside the House which he was not prepared to use in it; but, without reproducing his or any other speeches, he would merely say that it was within the knowledge of the right hon. Gentleman that the Arrears Bill had been described as part and parcel of a compact, treaty, or arrangement, and as partaking of the character of infamy. He believed it had been so described in the House of Commons—not by him, but with the general approval of the Conservative Members. With feelings so strong as many hon. Members entertained with regard to that Bill, it was not consistent with their duty not to make the most emphatic protests against the principles upon which it was based. He confessed he had heard the speech made by the Chief Secretary for Ireland with great regret. The right hon. Gentleman had spoken of evictions and outrages in the same breath. He had spoken of simultaneous Returns of the evictions and outrages that had taken place, and he had, moreover, spoken of the cruelty of evictions. With the exception of two expressions of opinion which were historical, he had never heard any expression of opinion more calculated to cause serious evils in Ireland. The Chief Secretary had coupled the legitimate exercise of legal rights—rights which were legal at the present moment—in the same breath with breaches of the law, and even with terrible murders. The two expressions of opinion antecedent to that of the right hon. Gentleman were the well-known declaration of Lord Clarendon, in which eviction and felony were coupled in the same sentence, and the other expression of opinion was that which the Prime Minister, to some extent, apparently modified the other night.

Mr. GLADSTONE: Never.

Mr. J. LOWTHER said, the right hon. Gentleman had not heard what he had to state.

Mr. GLADSTONE: The right hon. Gentleman said I apparently modified an expression of opinion in regard to evictions, and I said "Never."

Mr. J. LOWTHER: What he (Mr. J. Lowther) said was that the right hon. Gentleman modified an expression of opinion with which he had been credited with regard to the opinion, as he termed it, that the people of Ireland might form in regard to evictions.

Mr. GLADSTONE: I say I never modified it.

Mr. J. LOWTHER begged to submit to the correction. The right hon. Gentleman had, however, given a correction of that which he characterized as an erroneous impression that prevailed in the public mind respecting a well-known passage in one of his celebrated speeches. Passing that by, he would just emphasize this point—that a Representative of the Government having coupled evictions and outrages in the same breath, it became a matter for the House to consider how far they were entitled to allow measures dealing with those two subjects to be simultaneously dealt with without entering their most emphatic protest. The Chief Secretary had also drawn a distinction between two different classes of evictions—namely, those of tenants who could and would not pay, and those who were actually unable to pay. Was he to understand the right hon. Gentleman to hold that there was an act of cruelty and hardship on the part of the landlord involved in parting with a tenant who was hopelessly insolvent? He rather gathered, from an expression which fell from the Chief Secretary the other day, that the right hon. Gentleman considered it an act of cruelty for a landlord to evict from his estate a tenant who was hopelessly insolvent, and who had no prospect of ever being able to pay—that it was a hardship to evict a tenant who was absolutely incapable of carrying on his occupation as a farmer. Now, against any such idea he must utter his emphatic protest. In his judgment, if a tenant was not merely suffering from temporary adversity, but from hopeless insolvency, and was unable to pay his creditors in general, and his landlord in particular—if his landlord saw that there was no reasonable prospect of the tenant regaining his solvency, and pursuing agriculture with advantage to himself and to the community, then the landlord was thoroughly justified, and, in fact, it was his bounden duty, to part with that tenant.

MR. ARTHUR O'CONNOR rose to Order, and asked the Speaker whether the right hon. Gentleman was justified, on the Motion then before the House, in discussing the details of the Arrears Bill?

MR. SPEAKER: The Question immediately before the House is simply a proposal for giving precedence in certain circumstances to a particular Bill, and the right hon. Gentleman is bound to confine himself to that Question.

MR. J. LOWTHER said, he meant to do that, and the Speaker would no doubt have called him to Order had he failed to do so. He had consistently throughout his observations avoided entering in any shape or form into the details of the Arrears Bill. He had merely pointed out to the House matters for consideration at the present stage of their discussion. He hoped that the Government would be prepared to give them an assurance that not a moment would unnecessarily be lost in the prosecution of the Prevention of Crime Bill—that was to say, that if the discussion on the Arrears Bill, which must of necessity be one of some duration, should not be brought to a termination before the Prevention of Crime Bill was ready for another stage, the Government would proceed with all despatch with that important measure, which stood first for their consideration. In conclusion, he would only say that as the Arrears Bill involved the proposal that the honest and industrious tenant farmers of England, and the struggling taxpayers of the United Kingdom at large, who had honourably endeavoured to meet their legal obligations during a period of great hardship, should pay the rent of the disloyal and seditious persons who had, during exceptionally favourable seasons, deliberately withheld their rent, which they were able to pay if they were solvent men, the Government must expect a full and ample discussion of so novel and so serious a proposal.

MR. TREVELYAN said, he was in rather an awkward position, for the right hon. Gentleman had made one or two remarks about himself which he was afraid of answering, or referring to, without being out of Order. He hoped, however, he might be allowed to protest against the deductions of the right hon. Gentleman from a simple sentence of his the other day. The right hon. Gentleman said that he had coupled two very different and incongruous things—the exercise of the landlord's legal rights with breaches of law and actual murder, and he called that an expression of opinion on his part. Whence did it all come? Because he had said that in addition to a daily return of outrages the Government proposed to have a daily return of evictions. He had simply intended to justify the labour and expense of a daily return by a precedent; and no Member who heard him could have thought that he in any way coupled the two ideas. Then the right hon. Member asked whether he inferred any cruelty from the landlord parting with the tenant who was hopelessly insolvent? [Mr. J. LOWTHER: Hardship.] Well, he would call it hardship — whether he inferred hardship on the part of the landlord who turned out a tenant who was hopelessly insolvent. No; he inferred no such thing. What he did say was that if, as in the cases which their officers reported, the rent of the holding was far too high; if the tenant had gone through several very bad seasons, and from no fault of his own could not pay the rent; then, at the time when there had passed through both Houses of Parliament a Land Act which was the Constitutional and received method of pacifying Ireland by fixing a fair rent, and when a Bill was on the Table for the purpose of enabling a tenant to pay his arrears, the landlord who put the tenant out of the power of getting the advantage of these two measures sadly hampered the Executive in Ireland, and did something in spirit, if not illegally, to defeat the intentions of the Legislature.

MR. ONSLOW said, it was the duty of the Tory Party to vote against the Motion, because they did not really know what the Arrears Bill was at the present time. To put himself in Order, and to give the Prime Minister an opportunity of answering one or two questions he was about to put, he should, if necessary, conclude with a Motion. He wished to learn from the Prime Minister whether proper opportunities would be given for bringing forward important questions connected with the affairs of Egypt and of India. If the programme of the Government were carried out, he feared that they could not have a discussion on the Indian Budget much before the beginning of September. He asked whether the Prime Minister intended to pass the Rules of Procedure or the Corrupt Practices Bill first? The Corrupt Practices Bill could not be duly considered by the House if it were put off till the end of August, when there would probably be few Members present. Again, were they to rattle through the Estimates this year in the same way as they did last year? The Arrears Bill was an iniquitous measure, and one to which hon. Gentlemen on his side of the House should endeavour to offer a strenuous and persistent opposition. He did not believe that the country at heart cared two straws about the *clôture* Resolutions. It was easy for the right hon. Gentlemen to get some Liberal meeting now and then to pass a resolution urging the House to deal with them; but the inconvenience of an Autumn Session would far outweigh any facilities which the passing of the Resolutions would afford. Complaints had been made by the Government of the way in which the practice of questioning Ministers had increased. That increase, however, was solely due to the reticence of the Government, particularly of the Prime Minister and the Under Secretary of State for Foreign Affairs; and if the Government would cease to give evasive replies they would find the number of Questions at once diminish. He wished to know whether it would be possible to take a discussion of the affairs of Egypt, if necessary, between the passing of the Prevention of Crime Bill and the Arrears Bill, a discussion from which they ought not to be precluded? He should be glad also to hear from the Government when the Indian Budget was to be looked for, and whether another Vote was to be taken on account, making the almost unprecedented number of three Votes on Account that Session?

Mr. O'DONNELL said, he thought the House had received another illustration of the sort of leadership exercised by the right hon. Baronet (Sir Stafford Northcote) over the Conservative Party. He did not think he would be far wrong in stating that, for this occasion at least, the right hon. Baronet had been formally deposed on the proposal of the hon. and learned Member for Chatham (Mr. Gorst), seconded, with his usual rollicking political incompetence, by the right hon. Gentleman the ex-Chief Secretary for Ireland (Mr. J. Lowther). He was afraid that the spirit which had been displayed by the light horse of the Conservative Party on this occasion was only too sure an indication of the treatment which the Arrears Bill would receive in "another place," when it would come more particularly under the purview of a Conservative statesman who, in many respects, was not altogether dissimilar from the political temperament of the ex-Chief Secretary for Ireland. He had protested before, and of course he would protest again, against the deplorable action of the Government in introducing a Coercion Bill, destined, as he believed it to be, to strangle most of the benefits which might otherwise arise from their remedial legislation; but at present he merely wished to observe that in the observations which had fallen from the lips of the Premier they had not heard the slightest indication of any intention of discussing the Colonial and Indian policy of the Government. He ventured to say that the policy which had handed over to John Dunn a nation on whom they had unjustly made war, which had permitted the deplorable scandals in the Pacific, whereby the British flag was made a veritable black flag of piracy, and which refused to listen to the wrongs of 250,000,000 tortured human beings in India, was worthy the attention of Parliament. He could assure the House that the grievances of the Indian people were becoming matters of comment in the Native Press of India, and even in the Press of Egypt; and the Government were bound to give facilities for discussing them as a part of the Business of this Imperial Parliament.

Mr. SPEAKER: I must invite the hon. Member to keep to the Question before the House.

Mr. O'DONNELL said, he had been speaking to that portion of the Business of the House which concerned the people of India. He was not aware that he was more out of Order than the Prime Minister, who introduced several subjects connected with their Business, but omitted some of the most important. Would the Government give any opportunity for condemning the default in bringing to justice the murderers of Bengal prisoners, and the flogging of starving prisoners?

MR. RAIKES said, he did not intend to travel so far a-field as the hon. Member who had just sat down; but he wished to express his entire concurrence with the remarks of the hon. and learned Member for Chatham (Mr. Gorst). No reason existed why special facilities should be given to the Government for passing the Arrears Bill through the House. They on that side of the House were not only opposed to the principle of the Bill, but they regarded it as a measure which was tainted in its origin; and they knew it to be the first-fruit of that transaction which in that House they must not call a treaty, but which was described by the right hon. Gentleman the Member for Bradford as a negotiation. He (Mr. Raikes) rose more particularly for the purpose of asking the House whether it was not possible to obtain from the Government some more satisfactory and definite forecast as to what was in the mind of Her Majesty's Ministers with regard to the other Business of the Session? They had heard something that day about the *clôture* Resolutions. He rather objected to that form of nomenclature, because there was only one Resolution which was directly aimed at the *clôture*. The other Resolutions affected the Business of the House; and he was sure that many hon. Members on both sides would have been in favour of many of them were it not that they were tied by the neck to one objectionable Resolution which excited the hostility of the House. At a proper time hon. Members on that side would have been perfectly willing to have considered and passed a great many of them, and the Government might now have been using them to facilitate the discussion of the Prevention of Crime Bill then before them. He wished the Government would enter into some definite engagement as to when these proposals would be brought on. Something dark had been thrown out by the youngest Member of Her Majesty's Government, and something still darker had been suggested by the Prime Minister with regard to an Autumn Session. He did not himself object to an Autumn Sitting; certainly, it was preferable to forcing the Resolutions upon a thin House in the third or fourth week in August. He hoped that some assurance would be given by the Government that, if they contemplated the resumption of the consideration of the Procedure Rules this Session, they intended to avoid the public scandal of thrusting those Rules down the throat of the House at a period of the Session when it would be impossible for them to be more than hastily and imperfectly considered. He wished to say a word with regard to the state of Supply. In general there was circulated among the Members of that House a little, but a very useful paper, which showed the state of Supply; but this year, perhaps for economical reasons, the Government had not circulated what would be most likely nearly a blank sheet. He had understood that when the Government asked for the last Vote on Account they had intimated that they would not ask for another without urgent necessity. The fact was that, both as regarded home affairs and our foreign policy, our Government had reached the *ne plus ultra* of absurdity. It appeared to him that Ministers lived in a fool's paradise, and were engaged in balancing the two halves of their Irish policy, considering it to be of the greatest importance which of those two halves was to be proceeded with first, while every other consideration of either home or foreign affairs was put aside. Instead of either English or Scotch legislation being proceeded with, the House met every evening to witness a fight—which, after all, might be merely a sham one—between the Government and their Irish allies. He was glad that the Irish Sunday Closing Bill was to be included in the Expiring Laws Continuance Bill, because the House would be saved from a very tedious discussion on the subject. It had been suggested that the Agricultural Holdings Bills, the Scotch Entail Bill, and the Scotch Endowment Bill should be referred to Grand Committees. It would, however, be necessary to discuss carefully the constitution of any Grand Committee, not only on general grounds, but also because otherwise a claim would be put forward that all Irish Business should be referred to a Grand Committee which would consist almost entirely of Irish Members, which would be a most dangerous proceeding. With regard to the Corrupt Practices Bill, there was a general desire on both sides of the House to see that measure passed into law during the present Session. The only objection that he had to take to the action of the Government with regard to that Bill was that they were putting the cart before the horse. He hoped that it was not too late for them to proceed with their Bill for disfranchising the corrupt boroughs before they dealt with corrupt practices. Before they framed fresh laws dealing with corrupt practices, they ought to know what punishment was to be meted out to those who had violated the present law. It was certainly a very cruel thing that the persons and the boroughs implicated should be hung up Session after Session without their knowing whether the Government was in earnest in dealing with them, or whether the House was not to be made a laughing-stock, as far as its professions of purity were concerned. If the Government were determined to have an Autumn Session, let them tell the House so straightforwardly; but do not let these Rules of Procedure be considered at a late period of the present Session.

Mr. GIVAN said, he was bound to condemn the tone of the speeches of the right hon. Gentleman the Member for North Lincolnshire (Mr. J. Lowther) and the hon. and learned Member for Chatham (Mr. Gorst) with reference to the Arrears Bill. Before the release of the Members imprisoned in Kilmainham a requisition, numerously signed by Members on both sides of the House, was presented to the Prime Minister, urging him to deal with the question of arrears; and, under those circumstances, to reiterate, in the tone adopted by the two Members referred to, a charge, which had over and over again been denied, that the action of the Prime Minister was calculated to foster discontent in the minds of the poor farmers of Ireland who awaited the Arrears Bill, and to remove from them the confidence they had in the Government, was unwise. Instead of the Arrears Bill operating as a "no rent" manifesto, as the hon. and learned Member for Chatham stated, it was an "all rent" manifesto, because, immediately that it was introduced, many landlords thought proper to proceed against their tenants for the purpose of recovering all the arrears due to them before the Bill became law. He had in his possession bundles of writs which had been served on poor tenants, and when he looked at the particulars of them he thought it was outrageous that they should be served at all. He had one in which a tenant owed three years' rent. Last year he sold his last cow and thereby paid a year's rent, but was unable to pay more; and yet it was sought to pass judgment on this man, and deprive him of the benefit of the Arrears Bill. He warned the Government that if the Crime Bill was allowed to be put into operation in Ireland unaccompanied by the Arrears Bill, or, at all events, by a prospect of its speedy passing, much crime would be the result. He urged the Prime Minister to deal, if possible, this year with the pressing questions of the date from which judicial rents were to take effect. At present, hundreds and thousands of tenants were unable to get their claims heard. In all their cases, if the Government did not step in, the judicial rent would only date from the gale day succeeding the decision of the Court.

Mr. R. N. FOWLER said, he thought it would be admitted that the Arrears Bill was one of the first importance, and that, as such a short debate took place on the second reading, some time ought to be given for its discussion prior to going into Committee. It seemed to him that it was a Bill which proposed to tax the people of this country to pay rents which dishonest tenants in Ireland had failed to pay. An opportunity ought to be given to those who were opposed to it to discuss its principle. He hoped, as regarded the Indian Budget, that it would be brought forward earlier than it was last year. As regarded the Corrupt Practices and the Disfranchisement Bills, they would like some more information. He thought it very desirable that the latter Bill should be pushed forward. It was a Bill more urgently required for the punishment of offenders, and involving much less detail, than the former. In order to give the right hon. Gentleman an opportunity to reply, he begged to move the adjournment of the debate.

Mr. MAC IVER seconded the Motion.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. R. N. Fowler.*)

MR. GLADSTONE: I think the hon. Gentleman will see that it is absolutely beyond my power to give any undertaking with regard to the Disfranchisement Bill. With regard to the question of the Indian Budget, it is a matter on which no opinion can be pronounced in the present state of things. When the necessity has arisen for the consideration of the question it must be regarded in connection with the convenience of the great body of the House; but it will be impossible to give beforehand any engagement as to the position in which it should stand, and its precedence over every other Bill. As regarded an Autumn Session, that was a matter on which they could not then pronounce any opinion. But then, Sir, I have been asked whether it was intended that the Corrupt Practices Bill should take precedence of the Resolutions on Procedure, or whether the Resolutions on Procedure should take precedence of the Corrupt Practices Bill. Sir, I thought it would be quite distinctly understood that the Corrupt Practices Bill was a measure which we were resolved, so far as it depends upon us, to push forward; while with regard to the Resolutions on Procedure, I have said that the mode of dealing with them must stand for further and future consideration, stating at the same time, in the most positive terms at our command, that they would come within the compass of the present year, so as not to go into the next Session. In our opinion, that subject should be thoroughly and effectually dealt with. With regard to the Vote on Account, I cannot understand the meaning of the right hon. Gentleman. No sort of engagement was given that no further Vote should be asked for. Why, Sir, no person in his senses could give such an engagement, and no such engagement could be given. It is quite evident that the question of the Votes must depend on the demands of the various descriptions of Business at the time before the House of Commons; and what I want to point out is, that every unnecessary debate, and every unnecessary speech, however it may profess to aim at the removal of obstruction, and the bringing forward of this question, is in point of fact a practical contribution to enhancing the difficulties of the position in which we stand, and though each of these speeches may be small in themselves, it is the multiplication of them out of which the whole gigantic difficulty arises.

MR. O'CONNOR POWER said, he would not be doing justice to his own convictions if he did not repeat an observation which, on all occasions similar to this, he had annually made since he had the honour of a seat in that House. The Prime Minister was in the same position to-day that every Leader of the House had been in during his observation for the past eight years. He had had to come down at a certain period of the Session, and to acknowledge, in tones of patriotic humiliation, that Parliament was utterly inefficient for the discharge of its great duties, and from all quarters of the House that statement had received support. But what he (Mr. O'Connor Power) marvelled at was the care with which men of all shades of English opinion in that House evaded the one great question which lay at the root of Parliamentary difficulties. The expectation held out to them in relation to certain methods of forwarding the legislation of the country had always been doomed to disappointment. The Government felt that the one thing necessary for restoring the efficiency of Parliament was to pass in their entirety the Rules of Procedure which some months ago were laid on the Table of the House. He ventured to say, and he did not think his prediction would be falsified, that even if these Rules were adopted in their entirety, the Prime Minister would come towards the close of the Session of 1883, and go through the same operation that every Leader of the House of Commons had to go through since the passing of the Reform Bill—namely, to announce the withdrawal of important legislative measures, because Parliament was powerless to deal with them in a manner satisfactory to the country. It was certainly an unpleasant prospect that after the long days they had sat considering public questions, the alternative should be held out to them of sitting into the month of September to discuss Rules of Procedure of doubtful expediency, or of adjourning in the middle of August, and coming back in the middle of October to pass Rules to restore the efficiency of Parliament, or, in other words, to subject themselves to the operation of that coercion which so many of them had been willing to impose on the people of Ireland, in the vain hope of making themselves more efficient for the transaction of Public Business. They would simply put the House into a strait jacket, and then expect its movements to be more rapid, and the result of its proceedings to be more satisfactory. For the eighth year he rose in his place as an Irish Member to say that their difficulties in that House, that the obstruction of important legislative Business which the people of England were calling for, that their difficulties in Ireland, which were now striking at the very foundation of society in the country and threatening the stability of public order, were all referable to the one great cause, and that was that the English House of Commons persisted in managing the domestic affairs of the Irish people, although the experience of 82 years protested with all the voice of impartial history that such a practice was likely to be attended with no appreciable success as far as Ireland was concerned, while it must inflict upon the people of England a continuance of the many difficulties which they had hitherto experienced in carrying out this impossible task. He had intended to put one or two Questions to the Prime Minister with reference to the Land Act; but, as the process of interrogation had been carried so far already, he could only expect fragmentary answers, with which he should not feel satisfied. He intended, however, to interrogate the right hon. Gentleman, on an early day, with reference to the definition of a town park under the Land Act.

Earl PERCY said, that many of the numerous speeches of which the Prime Minister complained as delaying progress were due to the extraordinary course which had been followed by the Government. Not a single measure mentioned in Her Majesty's Speech at the opening of the Session had been pursued with anything like a determination to carry it out to a successful issue. The proposal to take precedence for the Arrears Bill, and thus shut out all the rights of private Members, was one as to which they ought to have more full explanation from the Government. As the course proposed was quite unprecedented, he wished to ask one or two questions—First, whether the Government really meant to carry out their threat and not leave the *clôture* to another year; secondly, whether a Bill might not be discussed in Committee after having been considered by a Grand Committee—that was the view which the right hon. Gentleman the Prime Minister took of the matter, he believed—and, thirdly, whether the Government would really restore the rights of private Members when these two Bills were passed?

Mr. J. HOWARD said, he regretted that he was not in his place when the Prime Minister threw out a suggestion that the Agricultural Holdings Bills should be referred to a Committee, and he was surprised to learn that the hon. Member for Mid Lincolnshire (Mr. Chaplin) did not fall in with the suggestion. It was impossible that any private Member could deal with this great question satisfactorily without a Select Committee. Looking to the diversity of opinion which prevailed both out-of-doors and in that House upon the question, he thought such a Committee would do great good in guiding public opinion on the matter, and for himself he cordially accepted the suggestion.

Mr. CHAPLIN said, the hon. Member misunderstood him; all that he had said was that he wished to guard himself against being supposed to have anything to do with the Bill of the hon. Member for Bedfordshire. He hoped his observations would not be misunderstood as to the Prime Minister's suggestion. All he intended to convey was that, in his opinion, a Committee of the kind suggested by the Prime Minister—namely, a Grand Committee—would probably not substantially facilitate the progress of the measures.

Mr. WARTON said, that, at the present time, Public Business was in a most unsatisfactory condition. In his opinion, the Indian Budget would be taken this Session later than ever. With regard to the Arrears Bill, he was surprised at the Prime Minister's proposal; it was a weak and unworthy surrender to Obstruction. He also protested against the Prime Minister bringing forward the *clôture* Resolution at any period of the Session. He thought that "Philip had become sober," and that a good many of the right hon. Gentleman's friends had also become sobered. Most noxious creatures had their stings in their tails; but these Resolutions had their sting in their head. He had a personal interest in the matter, for he had been included by the Secretary of State for India among the four upon the proscribed list.

MR. CHAPLIN said, he did not wish his previous observations to be misunderstood. The reason why he had not accepted the Prime Minister's suggestion was that the right hon. Gentleman proposed to refer the Bill to a Grand Committee, which he did not think would be of any real benefit. Though anxious to give consideration to the proposal of the Government as regarded the Arrears Bill, he felt bound, until he knew how far the Amendment would affect it, to oppose the measure. If his hon. Friend pressed his Motion to a division he would support it.

MR. MAC IVER said, he thought the Government had been guilty of a great waste of time.

MR. SHEIL asked whether the hon. Member was at liberty to address the House, having seconded the Motion for Adjournment?

MR. SPEAKER: Several hon. Members rose together to second the Motion, and I did not accept the hon. Member for Birkenhead as seconding the Motion.

MR. MAC IVER said, the difficulty about late hours of the House, which were so injurious to the health of hon. Members, might be obviated if the House would adopt some other mode of taking the Votes.

MR. SPEAKER: The hon. Member is not speaking to the Question before the House.

MR. MAC IVER: I understand the Question is the adjournment of the debate.

MR. SPEAKER: The Question before the House is the adjournment of the debate on the Motion for the giving of precedence to the Arrears Bill.

MR. MAC IVER said, he should, then, oppose the Motion.

COLONEL NOLAN said, the Irish Members were anxious to expedite the proceedings in reference to the Bills before the House as much as possible; and, although they were more anxious for the passage of the Arrears Bill, they certainly were not willing to sell their rights and privileges for £500,000, as they would be doing if they assented to hasten the passage of the Prevention of Crime Bill. Short of doing this, they would be prepared to do their utmost to facilitate the Bill.

Motion, by leave, *withdrawn.*

Original Question put.

The House *divided:* — Ayes 253; Noes 97: Majority 156. — (Div. List, No. 158.)

Ordered, That the Arrears of Rent (Ireland) Bill have precedence, on every day for which it is set down, of all other Orders of the Day and Notices of Motions, except the Prevention of Crime (Ireland) Bill.

ORDERS OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[BILL 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 19th June.*]

[FIFTEENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART III.

GENERAL POWERS.

Clause 11 (Searches for arms and illegal documents).

MR. T. C. THOMPSON said, the Amendment he had to propose was not upon the Paper, and he would therefore read it to the Committee. He proposed to insert the words in line 11 making it necessary to fill up the warrant of the Lord Lieutenant to search for arms and illegal documents with the names of the suspected persons, the names of the occupiers of the houses, and the hour at which the search was to be made. He hoped the Government would consent to accept the Amendment, because he believed it was strictly in accordance with the principle the Committee had laid down in regard to the Bill. He understood the Bill was to be carried out, as far as possible, in accordance with Constitutional principles. The Act of last year was founded on unconstitutional principles—namely, that an English subject might be arrested on the mere suspicion of the Chief Secretary for Ireland, and detained without being brought up for trial. This Bill, however, was to be carried out as much as possible in accordance with Constitutional principles; and although trial by jury was taken away by the Bill, it was, to a certain extent, restored by providing another tribunal. It was quite true that an accused person was not to be tried by 12 jurors; but, at the same time, he was to be tried by six Judges, who were practically equivalent to an ordinary jury. In this particular case the accused was to be tried by two stipendiary magistrates, one of whom was to be a lawyer. That was a course which was not unknown to the English law, and, to a certain extent, it was carrying out the law of England. At the same time, if they proposed to carry out the law of England in this way, they ought also to carry it out in accordance with the principles on which that law was established; and, so far as he understood, it had never been the practice in England to issue blank warrants. Such warrants might have been resorted to in times gone by; but so strong was the feeling against them that the House of Commons itself had protested, and the Judges, in the most solemn manner, had decided that the issue of blank warrants was altogether illegal. Instead of permitting the issue of blank warrants in this case, he proposed that the Lord Lieutenant, in issuing a warrant for search, should specify into whose house, and at what hour, the search was to be made. By that means something would be done towards guarding the sanctity of the home. Nothing had been more insisted upon in English history than that an Englishman's house should be his castle. It was to carry out that principle that the Amendment was brought in. He would not say that there were not times and occasions when the Executive of the country might be called upon to violate the sanctity of a man's home. The Criminal Law offered instances when such a necessity arose; but it was the duty of the Government to provide that there should be no abuse of the power. If the Committee refused this Amendment, they would leave open to the Government a very wide field of abuse. It must be borne in mind that the Bill might not always be carried out under the guidance of Lord Spencer, a Nobleman whom they all respected, or of the present Chief Secretary for Ireland, who was a man anxious to conduct the government of that country, as far as he was concerned, fairly and properly. He thought the Committee ought not to deprive the people of Ireland of their Constitutional rights without the strongest necessity being shown, and ample power being given, to restrain the exercise of the power of the Executive in cases where the public safety was not in danger. He trusted that the Government would insert this Amendment in the Bill.

Amendment proposed,

In page 6, line 11, to insert after the word "warrant," the words "specifying the name or names of such inspectors, the house or houses, with the name or names of the occupiers thereof, where such search is to be made, together with the day and hours of the day or night on which, and within which, such search is to be made."—(*Mr. T. C. Thompson.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL (Sir Henry James) hoped his hon. Friend (Mr. T. C. Thompson) would forgive him if he declined to enter into the general discussion which he had raised. The object of the clause was distinct from that which was inserted in the Act of 1870. Its object was to give to certain persons—the Inspectors and Sub-Inspectors of Constabulary, for the time being, acting in any Constabulary district—the power of search for, and seizing, in any proclaimed district, or any part thereof, specified in the warrant, arms, ammunition, paper, documents, instruments, or articles suspected to be used, or intended to be used, in connection with any secret society, or secret association, for criminal purposes. It was not the general power to search for arms, but only a specific power to search for arms in connection with secret societies and criminal associations. What the hon. Member for Durham (Mr. T. C. Thompson) asked was this—that every warrant should be filled up with the names of the suspected persons, of the occupier of the house, and the hour at which the search was to be made. How could the Lord Lieutenant, in issuing his warrant, know the particular houses in which the documents or arms proposed to be searched for were secreted? [*Derisive cheers from the Irish Members.*] He hoped hon. Members would not misunderstand the object of the Bill. [An hon. Member: A blank warrant.] It was nothing of the kind.

Its only object was to give power to search any districts which were suspected for arms and other things, and it was desirable that that power should be exercised wherever such articles could be found. It was to protect a district from connection with the possession of unlawful arms, and with criminal associations, that the clause was proposed to be inserted in the Bill. This was an Amendment to the entire clause, and not to a particular part of it. Substantially the first requirement would be fulfilled; but it would be impossible for the Lord Lieutenant to specify the names of the occupiers of the houses. It would be impossible, also, that the Lord Lieutenant could give directions as to what time the search should be made. It might be reasonable, in the opinion of some hon. Members, to strike out the clause altogether, if they were of opinion that it was not desirable to detect these criminal purposes; but it would be ridiculous to retain it and to accept the proposed Amendment.

MR. O'KELLY said, that the only object of the Amendment was to try to get the Government to confine the warrants to places or persons who were reasonably suspected; but, as the clause now stood, the warrant would be as described by the hon. Member for Durham (Mr. T. C. Thompson), a perfectly blank warrant, under which the police could search the house of any person in a particular county, and the object of the Amendment was to prevent an abuse of the powers conferred by the clause upon the police.

MR. SEXTON said, the hon. and learned Gentleman the Attorney General had accurately described the Amendment as an objection to the entire clause. It raised a question of very considerable importance—namely, whether the right of search by general warrant should be exercised in Ireland. All the principles of liberty were outraged by the Bill. By what means was this clause to be carried out? It was to be enforced by the Inspectors and Sub-Inspectors of the Constabulary. If the right were limited to the County Inspectors they were only some 30 in number, and they were mostly men of experience and discretion, and he should not object to the clause if it were so limited; but the Sub-Inspectors numbered some hundreds, many of them being mere boys, and a very few were men of experience in the Service. They comprised among them such men as Sub-Inspector Smith and Sub-Inspector Ball, of Ballina notoriety, and Sub-Inspector Webb.

THE CHAIRMAN said, the hon. Member was discussing a question which would arise upon the next Amendment, and not upon the Amendment then before the Committee.

MR. SEXTON said, he would at once close his arguments upon that point. The search warrant was to be a general warrant to remain in force for three months, and during all that time this general warrant might be made use of as an instrument of torture, and for the purpose of private revenge. The Sub-Inspectors were not generally on very good terms with the inhabitants, and in many parts of the country there were strong feelings of resentment and private pique entertained by them against the people. Was it necessary, for the purpose of discovering concealed arms, that a subordinate officer of the police should have in his possession a document for three months which would enable him to enter the house of any person, and conduct a search which would be regarded by the Irish people as an insulting search? The Government had referred to no figures in regard to this clause. They had given no figures with reference to the exercise of the power of search by night under the previous Act. They had abstained from giving the figures as to the number of strangers who had been arrested; but he thought it was most desirable, before the Committee were called upon to accept the clause, that some statistics should be set forth. They wanted to know whether this was a well-tried and proved weapon for detecting crime. A similar power existed in the Act of 1870, and he should like to know what the effect of the exercise of that power had been? How was the right exercised? How many searches were carried out, and what were the results? The Committee ought to be made acquainted with the total number of searches, and the total number of cases which had justified them. His contention was that this right to search had proved altogether inoperative in Ireland, and that arms and papers of the description specified were not generally concealed, and that, if they were concealed, they were not concealed in dwelling-houses, or in places likely to be searched. If the police had a power of divination, this general right of search for the existence of secret societies might be of value, and, perhaps, in some of the Irish bogs they might discover something; but, not possessing that attribute, all this was a matter "of sound and fury signifying nothing." It could have no other effect than to annoy and harass innocent people. He was glad the Amendment had been moved by an English Member, because he hoped that that fact would insure it greater attention from English Members generally than if it had been moved by a Member representing an Irish constituency. Before the Government insisted upon retaining the clause, he called upon them to show the necessity for it, and to prove that the exercise of similar power in past times had led to the slightest result.

Sir GEORGE CAMPBELL said, he had no doubt this was a very stringent clause, and was not astonished that the hon. Member for Durham (Mr. T. C. Thompson), entertaining the views he did, took exception to it. But, in the state of things in Ireland, criminals obtained such an advantage over the law that it was absolutely necessary to give the Government exceptional power for enforcing the law. Secret crime in Ireland had reached such an extent as to fully warrant the Government in asking for a power of search; but he thought the policeman making the search should be bound to make some record of the grounds upon which he made it, otherwise this clause might be liable to be abused.

Mr. HEALY said, no clause of exceptional severity against the Irish people had ever been introduced into the House that some hon. Member was not ready to declare he saw the full necessity of. That was the *raison d'être*, in the view of the Government, for the Bill. Personally, he could not see that this provision was more necessary than any other portion of the Bill. Therefore, when he heard an hon. Member talk of the necessity of the Bill, he was inclined to think that that argument was growing somewhat stale. Perhaps the hon. Member for Kirkcaldy (Sir George Campbell) was not aware that the Government already possessed in Ireland very extensive powers of search between sunrise and sunset. They had power to do what they liked in that respect. He wished to know if they proposed to repeal the provisions of the Peace Preservation Act? What was the present demand of the Government? Did they suppose that when the sun set a man removed from a bog, or any other hiding-place, his blunderbuss, and brought it into his own house for the purpose of taking it to bed with him? The Government had already the same power of searching a house in the day time as they now asked for, and the same power of searching at night. People often read in romantic sketches of arms being taken out of the bog, or out of the graveyard; but the only object for removing them in a case like this would be to bring them to the fireside to air. Nothing could be more absurd, and the hon. Member for Kirkcaldy (Sir George Campbell) must be aware that the Government possessed all the powers of search they now asked for. The provision contained in the Peace Preservation Act lasted for five years, and the Government only asked for this for three. Why should they not propose it for six years, and spare themselves from any further extra trouble? It was astonishing how the Government always presumed on the ignorance of hon. Members in regard to anything connected with Ireland. The Act to which he had referred was called the Peace Preservation Act; but what peace it had preserved had always been an enigma to him. Most Members of the House of Commons spent their time gloriously downstairs, or anywhere except upon the floor of the House; and, as the English newspapers were in a conspiracy to burke the speeches of Irish Members, he was not astonished that the hon. Member for Kirkcaldy should be ignorant of the existing state of things, and that the Irish Members should be compelled to repeat the arguments they had used over and over again upon this matter. He did not suppose, however, that they would produce very much effect or influence upon the Government; but whether that was due to a want of intelligence on the part of the Government or upon the part of Irish Members he would not pronounce an opinion. The provision of the Act of last year was that where the warrant was addressed to a Sub-Inspector it must be addressed to a particular individual, and must be used within 10 days. As the Bill was brought in a blank was left in the warrant, so that the Sub-Inspector might use it at any time, but the right hon. and learned Gentleman in charge of the Bill consented to limit the period to 10 days. If the arguments, then, used were sufficient to shorten the duration of the warrant from all eternity to 10 days, he did not see why the Government should not now consent to shorten the period in this instance. Why should a Sub-Inspector have three months for harassing an entire district? No doubt the Sub-Inspectors of Ireland were treated as if they were the sweetness and light of the country, and he had not the smallest desire to object to that view; indeed, he had very little doubt that if Mr. Clifford Lloyd were closely examined, it would be found that he possessed angel's wings floating out behind. Therefore, it was too much to ask that an entire district should not be given over to the ransacking of an Inspector at any hour of the day or night. In the last Bill the Government inserted a provision that arms should be paid for if they were given up, and they got more arms in consequence of that provision than from any other power conferred by the Act. They had instituted searches of the most stringent and even disgraceful character. They had pulled down the hay-stacks of the unfortunate peasants and scattered them to the winds, and let rain come down upon them; but not one stand of arms, nor one pound of gunpowder, nor one paper of percussion caps had they succeeded in discovering. He, therefore, claimed that under this Bill something in the nature of compensation should be given for injuries that might be inflicted in carrying out an abortive search.

THE CHAIRMAN wished to point out to the hon. Member that he was scarcely speaking to the Amendment before the Committee, but to the effect of the clause generally.

MR. HEALY said, he was simply pointing out that a better way of obtaining arms and ammunition than the Government proposed would be found in providing compensation for the giving up of arms; but he would not continue in that strain if the right hon. Gentleman in the Chair ruled that he was out of Order. What he wished to say was, that in future these general warrants would be as ineffectual as they had been in the past. They had hitherto been used for the purpose of giving the people living in the district as much trouble as possible. The Chief Secretary for Ireland was known to be a humane man. He (Mr. Healy) had no authority to speak for hon. Members on that side of the House; but, as far as he was personally concerned, he was prepared to say that the right hon. Gentleman had afforded the greatest amount of satisfaction in his new Office. He was sure that the right hon. Gentleman would very greatly regret that cases should be brought under his notice such as those which were constantly referred to the right hon. Member for Bradford (Mr. W. E. Forster)—cases in which houses had been burst open by the Sub-Inspectors, women pulled out of their beds, and obliged to dress themselves in the presence of five or six policemen, and then turned out of the room while the constables ransacked the premises. He could not understand why the resources of civilization should not have been kept back so as to enable those unfortunate women to dress, unless there was some fear that they might personally secrete something in the few moments the police might be kept out of the room. The Act was carried out in such an extremely objectionable manner, that in very numerous instances these poor women, after being expelled from their beds, were compelled to dress themselves in the presence of four or five constables. When such things occurred in a district, it was not a matter of surprise that they should excite a feeling of passion and hatred. It was this system of searching that had provoked reprisals in Ireland; and he asked the Chief Secretary for Ireland if he would be willing to put into the Bill a Compensation Clause, such as that as was put in the last Bill, to compensate all persons who voluntarily surrendered the arms they possessed? At present the state of the case was this. A man's bed might be ripped up, the boards of his dwelling-house pulled to pieces, his mantelpiece knocked down, his hay-rick scattered to the winds, and other damage done; and what he wanted to know was, whether in such a case, the search having failed to discover concealed arms or ammunition, the owner of the property who had sustained injury would be compensated?

The CHAIRMAN said, he must again point out to the hon. Member that he was speaking upon the general clause, and not upon the Amendment.

Mr. HEALY said, that, unfortunately, these things followed from an unrestricted right of search. He was only pointing out one of the consequences of passing this clause, and if he was not to argue in this way there was no use in his arguing at all. Therefore, he would resume his seat.

Sir PATRICK O'BRIEN said, no matter had given so much dissatisfaction in connection with previous Coercion Acts as the exercise of this right of search. If it could be shown that it was of advantage, and that there was an absolute necessity for it, he should have nothing to say; but he did not think that in this case the Government had made out a case sufficient to warrant the Committee in assenting to this very objectionable provision. The hon. Member for Wexford (Mr. Healy) had stated, better than he (Sir Patrick O'Brien) was able to do, the objections which were raised to the exercise of this power in Ireland, and he would ask the Government if it was worth while to increase the ill-feeling of the people against their measures by adopting so arbitrary a provision? During the late Winter Assizes in Ireland, they had had some experience of the manner in which arms could be easily got away and put away in Ireland. The concealment of arms was, in point of fact, reduced to a system. A man did not take home a double-barrelled gun and hide it in his house; but men, many of whom had been formerly in Her Majesty's Service, were employed under "Moonlight" arrangements to convert them into "Moonlight" arms; and instead of having a firearm hidden away in its integrity, these men, who possessed a technical knowledge, took them to pieces, and a lock would be disposed of in one place, a barrel in another, and a stock in another. He, therefore, failed to see what advantage the Government would derive from this clause; and it would, undoubtedly, tend to inflame the bad feeling and the bad passions of the people against the Government. He had already expressed his opinion as to the desirability of passing some such measure as the present; but, at the same time, he felt that the Government, in asking for this clause, were asking for one that was quite unnecessary, and were asking for a power which would excite the bitterest feeling of hostility against themselves in Ireland.

Colonel NOLAN said, he concurred with the hon. Baronet the Member for King's County (Sir Patrick O'Brien), that this clause would be regarded as a very odious one in Ireland; and he thought the Amendment of the hon. Member for Durham (Mr. T. C. Thompson) would be a very useful one indeed in restricting this right of search and placing it under some sort of rule. He might give an example as to how the right already existing had been used under the old Coercion Act. A tenant of his complained that his house had been searched. The tenant said he did not complain of the police searching it, provided they found anything in it; but he did complain that they held the power of searching it again and again, and asked him (Colonel Nolan) to interfere. He called the attention of the late Conservative Chief Secretary to the matter; and the argument he used was that, although something might be found if the search were conducted in the course of six months, it was not likely that anything would be discovered upon premises which were searched once a-week. In this particular instance the search was stopped. He was afraid that if the clause were passed as it now stood, and warrants were issued in the general way, the officer entrusted with the execution of them might employ the right of search as a means of molestation against an individual in regard to whom he had some private pique. If the Amendment proposed by the hon. Member for the City of Durham (Mr T. C. Thompson) was introduced, the Lord Lieutenant would only grant a warrant when a necessity for it was shown, and there would be an essential control over the exercise of it, and there would be not nearly so much chance of the right being abused.

Mr. GILL said, he strongly supported the Amendment. There was one subject to which no hon. Member had at present alluded. When this right of searching for arms and other matters was enforced in Ireland, it had always been known that that was the time in which spies and informers had been enabled to carry on with the greatest success their machinations. His own opinion was that the exact hour of the search should be named in the warrant; if not, it would give to this class of spies and informers in Ireland the opportunity of concealing arms or other things about the house of a man, and of then going to the Sub-Inspector and saying—"Such and such a man is concealing arms in a haystack, or in a barn, or in a corner of his house, and if you go at once you will discover them." A Sub-Inspector, armed with this terrible power, would go at once, and naturally would discover these things, the result of which would be that the unfortunate victim, although thoroughly innocent, would be subjected to severe punishment; while the spy, or the man who bore malice against the unfortunate victim, would remain unharmed, and even obtain a reward for his treachery. If the clause were safeguarded by the hon. Member for Durham (Mr. T. C. Thompson) this could scarely happen, because it would be necessary for the Sub-Inspector to obtain the insertion in the warrant of a particular hour for the search; and that might be made the means, to a large extent, of baffling a common informer who wished to carry out his own scheme of treachery. For that reason, if for no other, he thought the Amendment ought to be insisted upon.

MR. LEAMY said, he thought that before the Attorney General committed the Government to the clause he should have endeavoured to show that the already extensive powers which were given under the Act of 1881 had failed, and, if so, in what respect they had failed. As had already been pointed out, searches of a stringent character had been made under that Bill; and in some cases precautions of such an extraordinary character had been taken that it was utterly and completely impossible that any arms, if concealed in the houses which were searched, could have escaped discovery. The power of search had been exercised under the most favourable conditions; but, nevertheless, the Government had failed in the most signal manner to obtain the possession of concealed arms. What did that prove? That they had searched the houses of a good many people, and in almost the whole of them no arms were found at all. As had been pointed out, a Compensation Clause was placed in the last Bill for arms that were given up, and the result was that a large number of arms was surrendered under that clause, whereas scarcely any were discovered where the right of search was exercised. The Attorney General said that the present clause gave no general power to search at all, but only to search for particular arms and documents, &c., connected with secret associations. He wished to see how that would work. A district would be proclaimed, the Lord Lieutenant would send his warrant down to the Sub-Inspector of the district; and under that warrant the Sub-Inspector would be able to search every house in the county, not merely for arms, but for any documents which might be used in connection with criminal associations. But how was he to discover whether any letters or documents he came across did not come under the category unless he read every document that might be found in the man's house? Therefore, it was manifest that this a most unlimited power given to the police, which was to last forthree months, and the right of search to be repeated day after day, at any hour of the day or night. The effect would be that every farmer in a proclaimed district would be completely at the mercy of the Police Inspector. The hon. Member for Westmeath (Mr. Gill) had pointed out another important matter — namely, that very frequently in Ireland, when laws of this character were brought into operation, a man possessing a feeling of hostility to his neighbour placed in the thatch of his neighbour's house something which would bring him under the provisions of the Act, and then communicate it to the police. The consequence had been that, on more than one occasion, an innocent man had been sent to gaol for concealing arms, the existence of which he was in entire ignorance. Supposing, under this clause, a Constabulary officer received a general warrant, and an anonymous letter was forwarded to him, stating that in a particular house firearms were concealed, he would be bound, even though he did not know from whom the anonymous letter came, to act upon it, and search for the arms and documents pointed out. It would, therefore, be in the power of any man who chose to conceal arms in the thatch of a neighbour's house, or in the hay-stacks of his hay-yard, to bring the whole force of the law down upon him, and to cause an innocent man to be sent to gaol for three months under the Arms Act. He, therefore, thought it was absolutely necessary to insist on the warrant specifying the house that was to be searched, so as to afford some guarantee that before a search was made there was some reasonable ground for suspecting that arms were concealed.

And it being ten minutes before Seven of the clock, Committee report Progress; to sit again *this day.*

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

Question put.

The Committee *divided:*—Ayes 31; Noes 61: Majority 30. — (Div. List, No. 159.)

Amendment proposed,

In page 6, line 11, after the word "time," insert "on information on oath and in writing being laid before him by some creditable person."—(*Mr. T. P. O'Connor.*)

Question put, "That those words be there inserted."

Mr. SEXTON rose to speak.

The CHAIRMAN said, that the hon. Member had risen too late, the Question had been put to the Committee, and he thought the Noes had it. ["No, no!"]

Mr. T. P. O'CONNOR rose to Order. Several Amendments had been handed in to the Clerk at the Table just before the rising of the House. These Amendments had been distributed amongst Members, but not in order, and the consequence of that had been that he had not been prepared to move his Amendment at the proper moment.

The CHAIRMAN said, the point was that the last Amendment on which the Committee divided was moved after the word "warrant," and the Amendment of the hon. Member was after the word "time," which had been passed by the Committee. It was extremely difficult for the Chairman or the Clerks at the Table to deal with a large number of Amendments simultaneously handed in. He had, however, discovered that the Amendment of the hon. Member could not be put for the reason stated.

Mr. HEALY asked, with regard to the Amendments handed in to the Clerk at the Table, when hon. Members would have an opportunity of moving them? He had himself handed in several Amendments just before 7 o'clock, and it was then a quarter-past 9.

The CHAIRMAN said, he had pointed out that the division on the Amendment of the hon. Member for Durham (Mr. T. C. Thompson) had carried the Committee down to the word "warrant." The hon. Member had now moved an Amendment after the word "time," which was not then before the Committee, and it could not, therefore, be put. He, therefore, called upon the hon. Member for Sligo (Mr. Sexton) to proceed with the next Amendment.

Mr. T. D. SULLIVAN rose to Order.

The CHAIRMAN said, the point of Order had been already settled.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. O'Donnell.*)

The CHAIRMAN said, he had called on the hon. Member for Sligo.

Mr. HEALY rose to Order. Was not a Motion to report Progress before the Committee?

The CHAIRMAN said, he had called on the hon. Member for Sligo before Progress was moved.

Mr. SEXTON said, although he believed the Lord Lieutenant took the advice of the Privy Council with reference to all warrants, yet he was anxious that the form of the warrant should be prescribed. The Amendment which he was about to move was one intended to carry out the Act; and, therefore, he presumed that the Government would not object to it.

Amendment proposed, in page 6, line 11, after the word "warrant," insert "in the prescribed form."—(*Mr. Sexton.*)

Question proposed, "That those words be there inserted."

Mr. TREVELYAN said, he had no objection to those words.

Mr. O'DONNELL rose to Order.

The CHAIRMAN said, when the Amendment of the hon. Member for Sligo had been put, the hon. Member for Dungarvan could put his question to Order.

Question put, and *agreed to.*

MR. O'DONNELL said, he had risen to a point of Order, before any other Member had risen, on the ordinary conduct of the Committee. Although the hon. Member for Sligo had been called, he (Mr. O'Donnell) had risen first. The question he wished to ask was, whether his Motion for Progress did not justly take precedence of the ordinary conduct of the Committee?

THE CHAIRMAN said, he had called on the hon. Member for Sligo, and saw him rise; he was, therefore, in possession of the Committee at the time the hon. Member for Dungarvan (Mr. O'Donnell) moved to report Progress.

MR. T. P. O'CONNOR asked if he could now move the Amendment, which the Chairman had been unable to put to the Committee, with regard to information on oath and in writing being laid before the Lord Lieutenant?

THE CHAIRMAN said, the hon. Member could now move.

MR. T. P. O'CONNOR said, the object of his Amendment was to guard, as far as possible, the use of the power contained in this clause, and to limit it to cases where the Lord Lieutenant had proper information before him for the purpose of taking this extreme action.

Amendment proposed,

In page 6, line 11, after the word "form," insert "on information on oath and in writing being laid before him by some creditable person."—(*Mr. T. P. O'Connor.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, he was unable to accept this Amendment. He wished, however, with the indulgence of the Committee, to state the intention of Her Majesty's Government with reference to an important point in the clause. He was aware that the present was not the stage of the Bill at which the statement should be made, yet he desired to make it at that stage, because it might affect the discussion upon the remaining portion of the clause. It had been thought necessary to ask for power for making searches in given districts, and without limiting them to any particular hours. But the Government were aware that there was the keenest feeling with regard to this clause as to search by night; and, although they were not prepared to give it up, they were prepared to limit it in such a manner as would insure that there should be no search at night except where there was reasonable suspicion that a secret society was holding a meeting, and to move an Amendment to this effect later on.

COLONEL NOLAN said, he thought that the Prime Minister had made a most reasonable concession. He could quite understand the Prime Minister taking the power of search in the case of a secret society which was holding a meeting. Although, of course, he could not support this Act, still he was prepared to admit that if such an Act had to be passed it was perfectly fair that the power reserved by the Prime Minister should be taken. He repeated that this was a most important concession on the part of the right hon. Gentleman.

MR. HEALY said, he quite agreed that the concession of the Prime Minister was a most important one, and begged to offer the right hon. Gentleman his sincere thanks. Still, there was one question which he desired to put. Supposing that the police proceeded to make a search, having entered the place, would the police be enabled to withdraw if there were no meeting sitting?

MR. GLADSTONE said, that would, no doubt, be the case.

MR. LEAMY said, he thought it necessary to refer to the Amendment of his hon. Friend the Member for Galway (Mr. T. P. O'Connor), which sought to impose on the Lord Lieutenant the necessity of receiving information on oath before he granted the warrant of search. The Prime Minister said it was intended that this right of search should not be exercised in the night-time unless there was reasonable suspicion that a treasonable meeting was being held. He (Mr. Leamy) asked on whose determination was that search to be made? Were the Committee to understand that a general warrant would be issued to an Inspector of Constabulary in the district, telling him that he was not to make this search in the night-time, unless he had some reason to believe that a treasonable meeting was being held in a certain house, and that treasonable documents or arms would be found there? He did not underrate the concession of the Prime Minister; but he felt it his duty to ask what guarantee Irish Members had that a Sub-Inspector, armed with a warrant of search, would not proceed to search for documents and other things, after he found that there was no treasonable meeting being held? Surely there should be some investigation before a warrant was issued, because a policeman might be told by some irresponsible person that a treasonable meeting was being held, and upon that information he would be obliged to go to the place and make a search. Therefore, although he quite understood the spirit in which the Prime Minister had proposed the alteration, he failed to see, unless there were some explicit words put into the Bill to limit the power of Sub-Inspectors to make searches, that the concession would not be rendered valueless.

Mr. PARNELL said, he wished to point out that the clause was drawn for the purpose of enabling Inspectors and Sub-Inspectors of Constabulary to make search for arms and illegal documents. The right hon. Gentleman said that he would introduce an Amendment later on into the clause which would prevent search by night, except where there was reason to suspect that a meeting was being held of a secret society or illegal society in the house or about the premises in which the search was being made. But the question he had to put to the right hon. Gentleman was this—For what purpose was the search to be made? Was it to be made under these circumstances—that was to say, where there was reasonable suspicion that a secret society was holding a meeting, search was to be made for the purpose of discovering arms or illegal documents for the purpose specified in the clause? Or was it to be made for the purpose of discovering the meeting? In the latter case, he would respectfully submit to the Prime Minister that the most convenient course would be to cut out the power of search by night as regarded arms and illegal documents, and bring up a new clause dealing with the right of entry—he said entry, because it was not a correct definition to call it right of search—at night for the purpose of discovering whether there was an illegal meeting being held or not. He repeated that the clause only referred to search for the purpose of discovering arms and illegal documents; and he feared that if the power of search were left expressly stated in the clause, it would be used by the police for all manner of searches entirely apart from the question whether illegal documents or arms were to be found or not.

Mr. TREVELYAN said, he was competent to speak of the view taken of this clause by the Lord Lieutenant, who had arrived at his conclusion after careful consultation with persons of authority in the disturbed districts. The Lord Lieutenant, under that advice, came to the conclusion that the power to search for arms and documents at night was an unnecessary element in a Bill of this kind. The Lord Lieutenant, however, held strongly to the necessity of having the power of entering premises where it was supposed that men were engaged in concocting crime. The Government had not yet obtained from the Lord Lieutenant the exact suggestion as to the sub-section which they would propose for the purpose of arming themselves with this power. But that sub-section the Government proposed to put in on the Report, and they would lay great stress on having it in the clearest form possible. Acting on the advice of the Lord Lieutenant, they were willing that there should be no night search for arms, documents, or other matters, except upon the condition stated by the Prime Minister.

Mr. PARNELL said, he understood, from the statement of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant, that the Government proposed to leave in the clause words giving power to the police to make search in the manner described in the daytime, and that the Government would bring up a sub-section on Report, giving the police power with regard to entering premises at night for the purpose of detecting illegal meetings.

Mr. TREVELYAN: Yes, Sir.

Mr. MARUM begged to thank the right hon. Gentleman at the head of the Government for the concession he had made; but he had announced his intention, previous to the statement of the right hon. Gentleman, to move a Proviso to this clause, to the effect that no entry or search should be made in any church or place of worship, monastery, nunnery, or conventual establishment in Ireland, except in the presence of a magistrate. It was now unnecessary; but he would throw out to the Government whether the right of search could not be modified by such a right of sanctuary as was prevalent previous to the Reformation? The Committee would readily understand the feeling which existed amongst Irish Roman Catholics; and he thought the reservation which they had proposed to ask for was one which ought to be adopted for the purpose of satisfying the just susceptibilities of his countrymen, who would certainly view it with gratitude.

MR. O'DONNELL said, he agreed with the general spirit of the remarks of the hon. Member for Galway (Mr. Marum). Still, he thought, on a question of violation of domestic privacy, even a policeman would draw a distinction between the laity and the clerical world. If, however, the police made a mistake in the case of monasteries and other institutions, the Government would, of course, have to deal with the enormous and extreme unpopularity which would result therefrom. He confessed he should be sorry to see an exception of that kind in so many words introduced into the Bill. He had every reason to express a hope that the Prime Minister, who had met this difficulty in such a broad and statesmanlike spirit, would take into consideration the precautions impressed on the Government by the hon. Member for Waterford (Mr. Leamy)—namely, that there should be some protection against the police, on the plea of searching for illegal meetings, making use of the plea to break into houses during the night-time. He did not know whether the Government were prepared to introduce words to bring about that desirable result. Probably the only check to this over-zeal on the part of policemen was to be found in the strict supervision of their superiors, and he thought the police authorities ought to take care to inform the police that where they made use of the power of search in an undue manner they would incur the displeasure of their superiors. He might add that though the limitation of search for illegal meetings was a most valuable one with regard to the privacy of Irish householders, and one which, at the same time, did not interfere with the just powers and rights of the Government to deal with crime, yet he thought the right hon. Gentleman could not take too many precautions in guarding against his subordinates mistaking mere friendly meetings for meetings of secret societies, and treating them accordingly, unless something like very reasonable suspicion was entertained. He would not suggest the addition to the clause of any particular words; but he trusted that, in the instructions given to the police, great care would be taken on this point, because, if uncontrolled power of search were given to every policeman, all the aggravation and arrogance would be caused to the people, under cover of search for illegal societies at night, which the Government were desirous to save them from.

MR. GLADSTONE said, he wished to apologize if he had led the Committee into anything like a discussion upon the alteration which the Government intended to make with regard to the right of search for arms and documents at night. He had endeavoured to make it clear that his announcement was made for the convenience of the Committee in dealing with the remaining portion of the clause. One word more. It had been said that reasonable suspicion was a thing which might be abused. But the same could be said of the word "suspected" in the first part of the clause as it then stood. Of course, the meaning of the Proviso intended to be inserted was that, although the police would be allowed to search only in case there was reasonable suspicion of a meeting of an illegal society being held, yet, having entered upon their search, it would, of course, be their duty to obtain anything in the nature of evidence with regard to the meeting which they might have been informed was going on.

THE CHAIRMAN said, that, although considerable interest had naturally arisen from the statement of the Prime Minister, he must remind the Committee that there was a large number of Amendments to the clause, which it would be difficult to deal with unless hon. Members proceeded with their arguments upon the Amendment before the Committee.

MR. PARNELL said, he agreed with the desirability of not entering into a discussion upon the statement of the Prime Minister at that moment; but, at the same time, he thought it right to endeavour to obtain as much information as he could without discussing the intended Amendment. He wished to ask the right hon. Gentleman, whether the police, having entered a house and found no illegal meeting was to be held, would proceed with their search for arms and documents, or whether they would make only such search as would be necessary for the purpose of ascertaining that no illegal meeting was being held?

Mr. PLUNKET said, he understood that there would be an opportunity for any Member, who did not wish at that moment to interrupt the course of Business, to express any objection which he might have to the proposal of the right hon. Gentleman at the head of the Government. Certainly, before the clause was put, he should like to make some observations upon the statement of the right hon. Gentleman.

Mr. M'COAN said, he wished also to express his thanks for the concession made by the Prime Minister. He trusted he should not be anticipating the discussion on a subsequent Amendment by expressing the hope that the Government would recognize the importance of making a further concession in the direction indicated by the hon. Member for Kilkenny (Mr. Marum).

The CHAIRMAN said, he must point out that it was imperative that the Amendments on the Paper should now be proceeded with.

Mr. T. P. O'CONNOR said, after the statement of the right hon. Gentleman, he would ask permission to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Mr. T. C. THOMPSON said, he proposed to omit, in line 11, the words "and sub-inspectors." Although the two Amendments standing in his name were very close together in point of time, yet they referred to a very different state of circumstances. In submitting to the Committee his last Amendment, he was attempting to bring in a clause which would insure to a free people the power to prevent their homes being entered, and to prevent any assault being made on their liberty, except by warrants definite and clear in their nature. But in the Amendment he was about to move, he dealt with the interests of persons subject to a law which rendered them no longer a free people. He believed hon. Members would be alive to the fact that it was more difficult to govern a people by despotism than it was to govern them on the principles of freedom. In the one case you had the assistance of every inhabitant of the country in preserving the peace and order of society, whereas, in the second case, you were dealing with people more or less your foes. Consequently, if peace was to be preserved, those who were practically despots must take care to do nothing to irritate what, perhaps, he might call the heart-broken people of Ireland. Nothing had tended more in past time to break down despotism than irritation. He need scarcely refer to the history of this country, which showed that at one time the Monarchy was almost broken down by the Act of a Minister——

The CHAIRMAN said, he must remind the hon. Member that he was travelling from the question before the Committee.

Mr. T. C. THOMPSON said, his remarks were intended to support his Motion to eliminate the words "sub-inspectors" from the clause. He was arguing that under a despotism irritation was dangerous, because by acts of carelessness a Government which it was desired to preserve might be overthrown. Since the passing of the Act of last year, there had been a most remarkable increase of terrible crime in Ireland. Many reasons had been assigned for this increase, but he was inclined to think it had been caused by depriving the people of Ireland of that interest in their own concerns which belonged to every people. Having taken away from them that interest, having found a great increase not only in ordinary but in fearful crime, he wished that, as far as possible, fresh causes of irritation should be removed, and that Her Majesty's Government should take care in passing this Bill to make it work, if possible, smoothly. He, therefore, proposed to leave out that cause of irritation which arose from the employment, in searches for arms and documents, of sub-officials —people who were always willing to assume an authority which did not belong to them. The subject to which he asked the attention of the Committee was one of considerable importance. The whole of Europe, so to speak, was gazing upon that Committee, wondering at the events which had taken place in Ireland, and at the legislation proposed to deal with them; and he contended that it was a matter of necessity, in passing this Act, that all causes of irritation of the kind he had alluded to should be removed.

Amendment proposed, in page 6, line 11, after the word "inspectors," leave out "and sub-inspectors."—(*Mr. T. C. Thompson.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. TREVELYAN said, he was afraid that if the eyes of Europe were gazing upon the Committee, Europe would have discovered that the hon. Member for Durham's idea of a Sub-Inspector of Constabulary was not a very clear one. A Sub-Inspector of Constabulary was, in point of education, very much like a subaltern officer; and, as far as his experience went, a subaltern of high order. The clause before the Committee, he need hardly point out, was one of extreme importance. It was not put in for the sake of appearance only, but in order that it might work; and, that being so, it was necessary that there should be a sufficient number of people to work it. It was a fact that there was only one Inspector in each county, and he might be at that time 30 or 40 miles away from the spot at which his services might be required; whereas in the case of Sub-Inspectors, there were 10 to 12 in each county, and if the clause was to work effectively he could not imagine a body of men more fitted to discharge the delicate duties which the clause imposed. The hon. Member for Durham had made an appeal to the Government not to pass another Act such as the Arms Act of last year, because since the time it came into operation an increase of crime had resulted. Her Majesty's Government, however, believed that in order to diminish crime the best way was carefully to study it and to see by what full, careful, and minute provisions this diminution could be effected. There were clauses in the Arms Act of last year which were found to be inefficient; but in this Bill the Government had introduced provisions which they believed would have the effect of putting down crime, although those provisions were milder in their character. For the reasons he had given he was unable to agree to the Amendment of the hon. Gentleman the Member for Durham; and, in concluding his observations, he took an opportunity of expressing his belief that the Sub Inspectors of the Irish Constabulary were a body of men thoroughly to be trusted in this matter.

MR. T. P. O'CONNOR said, he did not wish to detract from the character of Sub-Inspectors of Constabulary, so far as their education was concerned; but the right hon. Gentleman must have paid very little attention to the history of Ireland during the last year, or he would have known that among that body many of it members had behaved in a way that did not recommend itself to his Predecessor in Office. The Sub-Inspectors to whom he referred were associated with deeds of a very questionable character, and it seemed almost impossible that the right hon. Gentleman could wish them to have anything to do with the carrying out of another Coercion Act. It was true that there was only one Inspector in each county; but the Government were asking to interfere with the peace, the privacy, and, to some extent, with the happiness of every home in Ireland, and, therefore, he thought he was not asking too much that the highest police authority in the district should alone be intrusted with the duty of carrying out this very objectionable clause.

MR. HEALY said, that the concession of the Prime Minister was of so substantial a character that, on the supposition that it would be carried out *boná fide*, he believed there was now no difference between Irish Members and the Government with regard to this clause, except upon small matters of detail. It would be in the recollection of the Committee that the Government had already the power for five years to search for arms in houses in Ireland between sunrise and sunset. Now, he understood the Prime Minister was only prepared to ask that where the police had information of an illegal meeting taking place, they should have the power of search at night. If that were so, he thought Irish Members would be prepared to grant this clause as a whole. At any rate, for his part, he was prepared to do so, and to move no more Amendments to the clause if the Prime Minister was prepared to carry out the words he had used. As he understood it, all the Government asked in this clause was that the police should have the power to search for arms and illegal documents—not to pull down chimney-pieces, rip up floors, or turn decent women out of their beds, and compel them to dress themselves in the presence of constables. If it were understood that the police, on finding that no illegal meeting was being held, should immediately retire, then he would vote for the Government on every Amendment that was proposed to this clause. He again thanked the right hon. Gentleman for the concession he had made, which was one worthy of his character and of the position he held in that House.

Mr. GLADSTONE said, he was most reluctant again to intervene in this discussion, because he felt so much the force of the rule laid down from the Chair. But the hon. Member for Wexford had addressed to the Government an intimation of his intention, on certain conditions, to support the Government in reference to Amendments which might be proposed to this clause. If he understood the words of the hon. Member rightly, he believed the Government were prepared to act as he had described. He could not say more than that at the present moment; but there was one remark which he felt bound to make. The hon. Member for Wexford and other hon. Members, in the course of their observations, had given him the credit of proposing this alteration; but he was bound to say that that credit was entirely due to his noble Friend the Lord Lieutenant of Ireland, who had looked into this matter with the sincere desire that the Government should ask that which was necessary, and only necessary. It was the Lord Lieutenant himself to whom the credit of this concession was due.

Mr. SEXTON said, he was fully sensible of the importance of the concession of the right hon. Gentleman; but he thought that his hon. Friend the Member for Wexford (Mr. Healy) had scarcely expressed the views of Irish Members upon this subject. His hon. Friend had said that the Government, by the Arms Act of last year, were entitled to search for arms for a period of five years in any house in Ireland; but he must point out that under this clause they would be entitled to search not only for arms, but for papers and documents. For his own part, he thought it right and proper to proceed with the discussion of the Amendment before the Committee. That Amendment was of extreme importance, and it was one which the Government should be willing to accept. Of course, the Chief Secretary to the Lord Lieutenant was perfectly accurate in saying that there was only one Chief Inspector in the county; but it must be remembered that the search contemplated by this clause was one of very great delicacy, and he thought the Government ought to concede the point that the search should be conducted by the highest police-officer in the county, whose functions could not be said to be very elaborate, and whose time, in consequence, might very well be spared. It must be remembered that these Sub-Inspectors were, as a rule, young men, and that some of them had given instances of great rashness of temper. He would refer to the case of Sub-Inspector Ball, who, it was well known, had exasperated the feelings of the people of Ireland to a considerable degree. Now, he thought that the powers of the clause should not be committed to a body which contained men of the character he had referred to. Although he felt the value of the right hon. Gentleman's statement with regard to night-searches, he believed that the employment of Sub-Inspectors of Constabulary was not the best arrangement that could be made, and that it might, on occasion, prove to be dangerous. If the Government did not think the County Inspectors sufficiently numerous to carry out the object of the clause, he asked whether they would arrange for the senior Sub-Inspectors to be placed in command of a body of officers, many of whom were young men?

Mr. LEAMY said, that, in view of the fact that the Government were empowered to make search for arms under the Arms Act, he would ask the Prime Minister whether he would not get rid altogether of the search for documents? He objected to the words "sub-inspectors," not on the ground stated by the hon. Member for Sligo (Mr. Sexton), but simply because he desired that the Lord Lieutenant should, as far as possible, abandon this general warrant of search. He regarded it as a most infamous thing that, after the long connection which had existed between England and Ireland, a general warrant of search should be conferred upon any man in Ireland; and, if the Government had decided that it should be given, he should feel it his duty to support the

Amendment of the hon. Member for Durham (Mr. T. C. Thompson), because it might, to some extent, limit the objectionable character of this clause.

COLONEL NOLAN said, he would be bound to vote with his hon. Friends, although he thought, after the substantial concession made by the Prime Minister, the Amendment might very fairly be withdrawn. He himself had an Amendment to the clause, but he should certainly withdraw it. He should vote with his Party, but he thought they had got more concessions on this clause than on any other. He was of opinion that on this question they ought to give the Government as little trouble as possible.

MR. JOSEPH COWEN said, the Government could not do better than make a few more concessions, and then he had no doubt the Bill would pass through the House with extreme rapidity. The point before them was the Amendment of the hon. Member for the City of Durham (Mr. T. C. Thompson), and the object of that Amendment was to limit the power of arbitrary search. He had no doubt the Irish Constabulary were a very efficient body of men; but it was now attempted by the Government to vest them with most unreasonable powers, for they could enter, under this Act, any man's house at their will and pleasure. He held that that was a power that Englishmen would resent, and that which the Irish people were justified in resenting. For all political purposes the Government had sufficient power, without this particular power of arbitrary search; and he was certain that this clause, as it stood, would create the maximum of discontent with the minimum of service to the country. If there was one clause in former Coercion Acts which more exasperated the people than any other, it was a clause similar to this. If his hon. Friend went to a division he should certainly vote with him, for they were only asking for a limitation of action which would be of no service, and might be a great detriment.

MR. T. A. DICKSON said, that, from his knowledge of the Constabulary, it would be impossible to omit the word "sub-inspector." The object was to place on responsible officers the execution of these warrants, and, if he remembered rightly, in no former Bill of this character was the word "inspector" or "sub-inspector" omitted. These words were introduced as a safeguard to insure that the execution of these warrants would not be placed in the hands of the ordinary policeman. He held that when a warrant reached the hands of the County Inspector, he would choose the right man to carry out the delicate work; and he thought that if his hon. Friend the Member for Durham (Mr. T. C. Thompson) were acquainted with the circumstances of the police in Ireland, he would not now be found moving this Amendment.

MR. T. C. THOMPSON said, that, after what he had heard, he thought it would be only courteous to the Prime Minister if he withdrew the Amendment.

MR. LEAMY said, that the hon. Member for Tyrone (Mr. T. A. Dickson) had said that the words "sub-inspector" had been introduced into the Bill for the purpose of rendering it necessary that responsible officers of the peace should have the execution of the warrant. So far as that was the object of the Government, he was quite willing to admit it was deserving of some respect. He, however, wished it to be understood that he objected, and he certainly thought that the majority of his Colleagues would object, to the words "sub-inspector," and that they would support the Amendment to leave them out simply because they would limit the exercise of these general warrants. He admitted that the Prime Minister had spoken very fairly; but it must be remembered that this clause was one which restricted the liberties of the Irish people, and it was a clause which the Irish people were bound to resent and resist. The hon. Member for Newcastle (Mr. Joseph Cowen) had said that he believed that the power given under this clause would bring about the maximum of discontent with the minimum of service to the State. He (Mr. Leamy) believed that the only service which this clause in this Bill could be would be that it would produce ill-feeling against the ignorant brood of men who knew nothing about the Irish people, and cared very little about them, and who were incapable of understanding them. ["Oh, oh!"] An hon. and learned Member opposite said "Oh, oh!" They were accustomed to look upon those Benches for the Whigs——

The CHAIRMAN: The question before the Committee is whether "and sub-inspectors" be left out of the clause?

Mr. LEAMY said, he would endeavour to confine himself to the subject. The subject was a very small one indeed, as the hon. and learned Member for Bridport (Mr. Warton) had intimated by his interjection. It was an exceedingly small subject; in fact, it seemed to him that every Amendment which hon. Members on this side of the House moved to this Bill was something exceedingly small indeed, and scarcely worthy of the consideration of the Committee. He was quite aware of it. He was quite aware that they should allow this Bill to pass without opposition, even though it embraced within it provisions which the Whigs——

The CHAIRMAN: I must point out to the hon. Member that this is not a second reading. The question is simply whether "sub-inspectors" shall stand part of the clause?

Mr. LEAMY said, he objected to "sub-inspectors," simply because, for one reason, he thought that if the power of executing warrants of general search was confined to County Inspectors, then, as everybody must admit, it would be confined to a much smaller class than if Sub-Inspectors were allowed to exercise it. He objected to the whole power of general search. He and his hon. Friends had endeavoured to defeat it. They had, however, failed, and the next best thing for them to do was to endeavour to limit its exercise as much as they possibly could.

Mr. R. POWER appealed to his hon. Friend (Mr. Leamy) not to push this question to a division. He did so for this reason. He acknowledged that the Prime Minister had to-night made a concession to the Irish Party—a concession of the most valuable nature. They could not estimate the value of the concession that the police were not to invade the homes of the people of Ireland at any hour of the night. As the Amendment stood in the name of the hon. Member for Durham (Mr. T. C. Thompson), he thought that the hon. Member had some right to say whether this Amendment should be pressed to a division or not. He (Mr. R. Power) should be very sorry to interfere with his hon. Friend the Member for Durham in the matter; but he would ask his hon. Friend near him (Mr. Leamy) not to press the subject to a division, if the hon. Member for Durham did not wish it.

Mr. M'COAN said, that the concession made by the Prime Minister had completely taken the wind out of the sail of the Amendment; and, although a warrant might be executed by even a Sub-Inspector, his power in the matter was very considerably limited. There was now no ground for objection left, and he should certainly vote against the Amendment.

Mr. T. P. O'CONNOR said, he would not force his hon. Friend the Member for Durham (Mr. T. C. Thompson) to go to a division if he did not wish it; but, if he did, he would certainly be very glad to follow him in the Lobby. He must take this opportunity of protesting against the weak and washy language in reference to the concession of the Prime Minister. The concession had nothing to do with the clause they were now discussing. The clause they were now discussing remained, in spite of the concession, a most stringent and aggravating one. The hon. Member for Tyrone (Mr. T. A. Dickson) had said that Sub-Inspectors were mentioned for the first time. The hon. Gentleman evidently had not taken the trouble to read the Arms Act of last year. If he had, he would have found that the Lord Lieutenant might commission Sub-Inspectors to issue these warrants.

Mr. T. D. SULLIVAN said, that he most heartily welcomed every concession that was made that went to limit or diminish the stringency of the measure; at the same time, he did not see how it was possible for Irish Members not to insist upon every Amendment that would go still further to limit the severity of the Bill. He was grateful to the Prime Minister for every concession in favour of the liberty of the subject in Ireland, and in favour of restricting the tyranny which it was possible to practice under this Bill. He and his hon. Friends stood there fighting, it might be, a losing battle; but, nevertheless, it was a battle they were bound to fight for the liberties of their fellow-countrymen; and every Amendment which went to limit the hardships and the tyranny of this measure, they, as a matter of absolute duty, were bound to support. This Amendment went to restrict the operation of the Bill. It was to the effect that Inspectors, and not Sub-Inspectors, should have liberty to make these searches. Inspectors were fewer in number than Sub-Inspectors; and, of course, if this Amendment were accepted, it must necessarily be expected that fewer searches—and searches upon less trivial grounds — would be made. Sub-Inspectors would, no doubt, make searches upon very slight suspicion; but Inspectors, being fewer in number, as he had said, would probably not go to work without some substantial evidence to work upon. That being so, it seemed to him that the duty of the Irish Members was as clear as the sun at noonday. That duty was to support the Amendment, and every Amendment which went to mitigate the severities of the measure. He welcomed the concession of the Prime Minister, and he welcomed the spirit in which it had been offered. He hoped that in the further progress of this measure the same spirit would be acted upon, not only by the Prime Minister himself, but by others who, in his absence, would have charge of the measure.

MR. SHEIL said, he would endeavour to confine himself strictly to the Amendment before the Committee, and that Amendment he understood to be that the word "sub-inspector" should be omitted. He hoped that his hon. Friend would go to a division upon this Amendment, because it was of very great importance, notwithstanding the alteration —he preferred to call it an alteration, and not a concession—which the Prime Minister had made in the clause. Notwithstanding the alteration, which he admitted was an important one, he still thought that the power which would be placed in the hands of Sub-Inspectors was greater than some of them were entitled to have intrusted to them. They were young men, and from the position they held in the country, they were naturally arrogant. They sometimes rode over the people where they ought not to do so, and, altogether, it was very unwise that Sub-Inspectors should be intrusted with the execution of warrants. While he was on his legs he wished to refer to some remarks which fell from the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell) towards the end of the Morning Sitting. The hon. Baronet suggested that whether it be an Inspector or a Sub-Inspector who was employed in the search, an accurate report should be made by the officer at head-quarters, giving the reasons for the search and its results. That was a suggestion made when the Prime Minister was absent, and it seemed to him of such importance that he now ventured to repeat it.

Amendment, by leave, *withdrawn.*

MR. LEAMY moved to insert, after "in any," in line 14, "building or enclosure situated in any." If his Amendment was accepted, the clause would run thus—

> "It shall be lawful for the Lord Lieutenant from time to time, by warrant, to direct the inspectors and sub-inspectors of constabulary for the time being acting in any constabulary district or any of them, to search for and seize in any building or enclosure situate in any proclaimed district, or in any part thereof, specified in the warrant."

The Amendment was in the spirit of the Arms Act of last year, which empowered the Lord Lieutenant to issue warrants empowering certain persons to search for arms; but it was provided that the warrant should specify the houses, buildings, or other places which were to be searched. He submitted that it was not at all an unfair thing that some requirement of this kind should be inserted in the clause before the Committee. He did not see on what ground the Government could object to such a reasonable Amendment.

Amendment proposed,

In page 6, line 14, after the words "in any," insert "building or any enclosure situate in any."—(*Mr. Leamy.*)

Question, "That those words be there inserted," put, and *negatived.*

MR. R. POWER moved to insert, after the word "ammunition," in line 15, the words "except a fowling piece, or ammunition for the same." His object in moving this Amendment was to protect small farmers in Ireland from being invaded in the day-time by the police who came to look for guns and ammunition. Under the Arms Act of last year there had been, of course, many searches for arms; but very few indeed had been found. He could not see why a farmer who had a licence for a gun, and who had also a licence to shoot over his own farm, should simply, because a person wrote to the Sub-Inspector and informed him that he had reason to believe that a certain farmer had arms in his house, should have his house invaded by the Constabulary at any hour of the day. He quite admitted that the Government had taken away from his argument a great deal of force by the concession which they had made in the previous Amendment, because his principal objection in this matter was that the farmer, simply because he had a gun in his house, should be liable to invasion at any hour of the night. They who lived in Ireland and knew how farmers carried on their farms, knew that it was necessary for them to have a gun for the protection of their crops—simply to frighten the crows out of their potatoes or wheat. The weapon used, however, was perfectly useless for any other purpose than that of frightening crows; and if they deprived the farmers of the use of it, they would inflict a great deal of injury upon them. If they were prepared to do that, they ought also to be prepared to grant compensation. He had another objection to this clause. Certain landlords in Ireland used the Peace Preservation Act for the preservation of their game; and, under the present Act, a landlord who wished to protect the game in his district, could exercise a large amount of power which certainly he had no right to possess. It was a monstrous thing that simply because a man had a gun in his house, and a person informed an Inspector that he had reason to believe that such was the case, that such Inspector should be able to go and take it away, although the man might have a perfect right to possess it to protect his crops from the depredations of birds and vermin.

Amendment proposed,

In page 6, line 15, after the word "ammunition," to insert the words "except a fowling piece, or ammunition for the same."—(*Mr. Richard Power.*)

Question proposed, "That those words be there inserted."

Mr. TREVELYAN said, he had the greatest respect and sympathy for the feeling of hon. Members with regard to fowling-pieces and ammunition; but he would point out that, perhaps, other hon. Members might have the same feeling with regard to rifles and revolvers. They had all of them some favourite weapon, but he was afraid that whatever arm a person had a fancy for, it must be as suspicious as any other, and this fact must not be forgotten—which anyone who had had any experience of sport in India must know perfectly well—that a fowling-piece would send a bullet a distance of 50 or 60 yards as accurately and with almost as much effect as a rifle. A fowling-piece would send a bullet a short distance as satisfactorily as a rifle for all practical purposes, and, therefore, for all purposes of outrage a fowling-piece was as formidable as any other weapon that could be manufactured. If a farmer wished to carry a fowling-piece to protect his crops, or for the legitimate purpose of sport, he could go to the licence officer and obtain a licence. If he did not take that step, then he ought not to be allowed to keep a fowling-piece. As to the fear expressed by an hon. Member that some people would make use of the Arms Act for the preservation of their game, it must be remembered that not the landlords, but the stipendiary magistrates, were the licensing officers.

Colonel NOLAN said, he agreed that to the murderer, or to the person who wished to commit an outrage, a fowling-piece was quite sufficient, but as a weapon of war it was totally useless. He did not believe the right hon. Gentleman the Chief Secretary had lived long enough in Ireland to thoroughly appreciate the complaint of the Irish farmers. These people required the use of fowling-pieces to protect themselves from birds. His hon. Friends called them "crows," but he did not think the birds that were such a nuisance to the Irish farmers were accurately described in the House of Commons by calling them crows. In England the great crow was the only bird called a crow, but in Ireland the rooks were called crows. Now, the rook might be a very useful bird at certain times of the year—[*Cries of* "Divide!"] Hon. Members cried "Divide!" but he wished to say a few words upon this question, as it was one in which he took a great deal of interest. He had taken the trouble, about a month ago, to question some of the farmers with regard to the depredations of these birds, and he had learned from them that they did damage in the country probably to the extent of £500,000 every year. He was told that each small farmer lost about £1 a-year through the depredations of the rooks. It would be seen, therefore, that the question was one of great importance to Irish agriculturists; and if the hands of these people were crippled, and they were not allowed to use the ordinary weapon for driving away or destroying the birds, they would be injured very much. The Amendment of his hon. Friend was a fair one, and he (Colonel Nolan) should give it his support. He did not desire to delay the clause, because he considered the Government had made ample concessions on it—indeed, if the Government made similar concessions he should be very willing to see the Bill pass through to-morrow or Thursday. He only wished to deal with this matter from an economical point of view, and he would suggest that if the Government did not allow the farmers to use fowling-pieces to protect themselves from the birds, the Poor Law Unions should be empowered to send officers on to the properties of the small farmers for the purpose of destroying the rooks and vermin. He would not enter fully into the desirability of adopting such a plan as this, but he would merely suggest that such a power might be given. Of course, the Poor Law Unions would not exercise it unless it were considered desirable to do so. On this matter there was great difference between England and Ireland. In England the rooks were shot every year, or every other year, in order to keep them down, and for the table, but in Ireland they were not shot for the latter purpose. The people would not eat them. It was necessary, however, that the farmers should have power to use fowling-pieces against them. They would not be able to drive them from their potatoes when the bulbs were beginning to form, and that was the time when most damage was done. If the Government prevented the farmers from doing that, they should take some other measures to protect them. Irish Members were bound to meet here in London, instead of Dublin, where all these things would be properly understood and properly considered, and that fact the Government ought to bear in mind. The Chief Secretary ought to take measures to ascertain the opinion of the country by requesting the evidence of competent men. He ought to take steps to find out whether, by refusing the farmers the use of fowling-pieces for the purpose of destroying rooks, he did not destroy the balance of nature, and allow the rooks to preponderate. As things were at present, he thought the Amendment of the hon. Member for Waterford (Mr. Richard Power) ought to be supported. This question was one in which his (Colonel Nolan's) constituents took great interest.

Mr. JONES PARRY said, he would not unduly occupy the time of the Committee. He should be very sorry to do so; but the hon. and gallant Gentleman who had just sat down, and who attached such importance to rooks, appeared to know nothing about them and their habits. He (Mr. Jones Parry), however, did know something about them. He would not delay the Committee by stating his opinions or his experiences as to the habits of these birds, as it was utterly beside the question before the Committee—and, incidentally, he would remark that it would be a most desirable thing if hon. Gentlemen in this House would confine themselves more closely than they did to the questions directly under consideration. He would simply remark—and he would be very happy to give the hon. and gallant Gentleman (Colonel Nolan) his reasons for saying so, in private, if he desired them—that in his opinion, rooks did a great deal more good than harm. He would also venture to inform the hon. and gallant Member that young rooks made a remarkably good pie. He (Mr. Jones Parry), believing that rooks were not the only things shot from behind loop-holed stone walls in Ireland, should support the Government clause in its entirety.

Colonel NOLAN said, he had carefully guarded himself from expressing any opinion whatever as to whether rooks did harm or good. He had said that in Ireland they did not understand eating them—they had a prejudice, perhaps a bad one, against putting them in a pie. [" Order ! "]

The CHAIRMAN: Does the hon. and gallant Gentleman wish to address the Chair?

Colonel NOLAN said, he did wish to address the Chair, because he thought this was a very important matter. If the Government insisted upon destroying the balance of nature by depriving farmers of their fowling-pieces, which were legitimate weapons for the purpose of destroying or frightening away the rooks, the Poor Law authorities should be enabled to take up the matter, As he had said, he did not pronounce an opinion as to whether rooks did good or harm. That was a question for the decision of scientific men; but the Committee was now proposing to interfere in Ireland with the system of preserving the ordinary balance of nature that they allowed to be practised in England. They allowed the farmers to frighten away the crows in England, but they would not permit it in Ireland. He merely wished to point out that a very large economic damage would be done by the passage of this clause, and the Arms Act, with which it was mixed up, and that the Chief Secretary ought to very carefully consider the matter before he came to a final resolve. He (Colonel Nolan) had some idea of introducing a clause on this subject on Report, but he was not sure at present whether or not such a course would be in Order. His clause would have the effect of giving the Poor Law authorities power to destroy the rooks where they thought it desirable.

Mr. REDMOND said, he did not rise to discuss the merits or demerits of rook-pie, but he would like to point out to the hon. Member who introduced this interesting subject that rook-pie was a dish the Irish farmers were scarcely likely to enjoy, unless they were allowed to use weapons for the purpose of shooting the birds. He should like to ask the Government whether this clause was to override the Act of last year on this subject? Under the Act of last year a man might have obtained a licence to use a fowling-piece. That licence might have been given to him upon the production of a certificate signed by two magistrates in his own locality; and was he (Mr. Redmond) to understand—and he respectfully asked the attention of the Home Secretary, or some Member of the Government, to this matter—that under this clause the mere suspicion of a policeman was to override that certificate? ["No, no!"] The hon. and learned Member for Wicklow (Mr. M'Coan) said "No, no!" but if the hon. and learned Member would read the clause, he would see that under it a person who had obtained a warrant from the Lord Lieutenant would be empowered, if he suspected that arms were in the possession of an individual, or were about to be used in connection with a secret society, to search the house or houses where he believed the arms to be, and might, if he found any, take possession of them, notwithstanding that they had been obtained under the Arms Act of last year.

Sir WILLIAM HARCOURT said, that if a man had obtained a licence under the Arms Act of last year, the mere fact of his possessing such a document would show that the arms were not likely to be suspected of being required for an unlawful purpose.

Mr. REDMOND: That is ridiculous.

Sir WILLIAM HARCOURT said, the hon. Member asked him a question, but would not allow him to answer it. If the hon. Member would allow him, he would attempt to give him an answer. What he wished to say was this, that a licence under the Arms Act of last year would not come within this clause. Arms carried by licence would not be arms—

> "Suspected to be used or to be intended to be used for the purpose of, or in connection with, any secret society or secret association existing for criminal purposes."

Mr. T. D. SULLIVAN said, he would not detain the Committee two minutes; but he wished to ask whether, if farmers were not to be allowed to keep fowling-pieces for shooting these rooks which preyed upon their crops, would the police undertake to shoot the birds for them? The hon. and gallant Gentleman the Member for Galway (Colonel Nolan) knew what he was talking about on this matter, and he said that the birds did damage to the extent of about £500,000 per annum in Ireland. It was pointed out that the farmers could obtain licences to use fowling-pieces; but to obtain these licences they would have to go before the local magistrates, and that, he could assure the Committee, was a thing that very many farmers in Ireland would be very reluctant to do. If they went before a magistrate for this purpose, it was very probable that their request would not be listened to, that it would be refused, and that they would be insulted into the bargain. That would be likely to occur in very many cases; and he, therefore, said that if the farmers were not to be allowed to keep fowling-pieces for the purpose of destroying or frightening away the rooks, would the

Government instruct the police to shoot the birds for them?

Mr. REDMOND said, the right hon. and learned Gentleman the Home Secretary did not answer the question he had put to him as to whether the suspicions of a policeman were to override the Arms Act? The right hon. and learned Gentleman said that when a licence was granted, the arms carried under that licence were not likely to be used for illegal purposes. He (Mr. Redmond) should suggest that the clause should be amended by the insertion of the words "except in the case of persons who had received licences." As the clause stood at present, even where licences were granted, the arms might be seized if subsequently a police-officer chose to suspect that they were going to be used for an improper purpose.

Question put.

The Committee *divided*:—Ayes 31; Noes 155: Majority 124.—(Div. List, No. 160.)

Amendment proposed,

In page 6, line 15, after the word "ammunition," to insert the words "except arms held under licence under 'The Peace Preservation Act, 1881.'"—(*Mr. Redmond.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, he could not accept the Amendment. If arms were used in connection with a secret association, no licence ought to protect them.

Mr. REDMOND said, that if a licence was given to a man to carry arms by three magistrates, who believed him to be a proper person to have arms, such a man was not likely to have arms for felonious purposes. The clause without this Amendment would have this effect. That although a man might have a licence, in consequence of a certificate of three magistrates, that licence might be overridden simply by the suspicion of a police-officer. For this reason he urged the Amendment on the Committee, and hoped the Government would make some further statement, and not dismiss the proposal in a few words.

Mr. T. P. O'CONNOR said, it was true that if arms were employed for criminal purposes, a licence should not cover them; but the point of the hon. Member was that the fact of a licence granted by three magistrates ought to be stronger than the suspicion of a police-officer, and he did not think the Home Secretary had answered that objection. The right hon. and learned Gentleman's statement was, that if arms were to be used for criminal purposes, or secret associations, of course licences should not cover them; but the question was whether the mere suspicion of an Inspector that arms were to be used for criminal purposes should override the licence of three magistrates? He thought the Government, having made a concession last year in the Arms Act, should not now take away the value of a licence by a side-wind.

Mr. PARNELL said, that it was not reasonable that where three magistrates had carefully investigated the application of a man to have a licence to carry arms, after hearing the Constabulary authorities and everybody else interested in the case, that a Sub-Inspector, under the authority of a general warrant, issued by the Lord Lieutenant in regard to a particular district, should be allowed to go and over ride the action of the magistrates upon mere suspicion, and should be allowed to enter a house and confiscate any arms that might be found. Such a course would be worse than an absurdity—it would be a hardship. In the first place, a licence was given to a man to carry arms; but the next day a Sub-Inspector, simply by having a general warrant, would search a district and seize and confiscate the arms for which the licence was granted on the suspicion that they were intended for the purpose of, or in connection with, some secret society. The authorities already had a remedy for such a case. If, at any time, in granting a licence, the police should consider, owing to circumstances that might have come to their notice, or information they might have received, that a person holding a licence ought not to continue to hold it, it was in the power of the Lord Lieutenant to revoke that licence and so deprive the man of his arms. Surely it was not too much to ask, having in view that the Government had itself power to revoke a licence, that the Amendment should be accepted. It was a most reasonable proposal, and he could not for a moment imagine why the Government objected to it. If there was any reasonable suspicion that a person licensed to carry arms was going to use them in connection with a secret association, that circumstance could be reported to the Castle, and the licence could be revoked.

Sir WILLIAM HARCOURT said, he quite admitted that this clause, like many other clauses in the Bill, inflicted some hardship; but suppose that, in a search of this kind, the Inspector found arms which he had good reason for suspecting were about to be used for criminal purposes, was he to leave those arms in the hands of the men with all the risks of what use might be made of them while an application was being made to the Lord Lieutenant? That would be an entirely intolerable course. This clause, more than any other clause in the Bill, was directed to the evil of secret associations and to the apparatus of crime. Were they to leave the apparatus of crime in the hands of persons by whom they might be used for the most grave offences until a roundabout application could be made to the Lord Lieutenant to revoke the licence? The hon. Member said the licence might have been granted in the belief that the person receiving it was fit to be trusted; but magistrates were not infallible, although, for this purpose only, hon. Members opposite were disposed to to attach great value to the belief of magistrates that a man could be trusted with arms. A man might be perfectly well conducted when he received his licence, but he might be misled and betrayed into membership of a secret association, and so become totally unfit to be trusted with arms, and he might be found in possession of arms under circumstances leading to the conviction that he was going to use them for the worst purposes. Yet it was held that these arms were to be left in his hands until an application could be made to the Lord Lieutenant, and if that course were adopted the clause would be totally useless.

Mr. SYNAN said, it appeared to him that the Home Secretary had entirely forgotten the substantial concession recently made by the Prime Minister with reference to secret associations—namely, that searches were only to be made upon proof, or strong suspicion founded upon proof, that meetings of a society were being held in a particular house. Under ordinary circumstances, this section would carry the law no further than the section of the Peace Preservation Act of 1871 which enabled searches to be made for arms. That was substantially as far as this clause went, and the only exception now to be engrafted on the Act of 1881 would be the exception of search by night upon proof, or upon suspicion founded upon proof, that a secret society was holding a meeting at that moment in a particular house. What answer was there to the Amendment? Under the Act of 1881 the licence would save the possessor of arms; under this clause the licence ought equally to save him, unless some secret meeting was being held at a particular moment in his house, and proof of that meeting was in the hands of the Inspector or Sub-Inspector. He was quite at a loss to understand upon what principle or argument the objection of the right hon. and learned Gentleman was founded after the concession made, and after the Amendment proposed by the Prime Minister. There had been no answer given to this Amendment, and, in his opinion, no answer could be given to it.

Mr. SEXTON said, it was not necessary to say that this clause would work hardship, because in that particular it was the same as every other clause in the Bill. He was at a loss to understand what difficulty the Government saw in accepting this Amendment. The Home Secretary laid stress on the time consumed in applying for a revocation of a licence; but everyone knew the speed with which communications were now carried on between different districts and Dublin Castle, and if a person in any district was no longer fit to hold arms, the telegraph wire would take that fact in half-an-hour to Dublin, and the licence could be revoked the next morning. The possession of a licence ought to protect a man from a domiciliary visit. The licence meant that two district magistrates were of opinion that the holder was fit to carry arms, and, furthermore, it meant that the opinion of district magistrates was confirmed by the Resident Magistrate, who was the highest police authority in the matter. In what a strange position that would leave the Government? On the one hand, there would be the man holding the licence declaring him fit to hold arms in the opinion of two district magistrates and one Resident Magistrate; and, on the other hand, a Sub-Inspector overriding the opinion of his official superiors, which was an improper and irrational proceeding. But suppose that a Sub-

Inspector made a search—and he could conceive circumstances under which a search might be made from the point of view of the Government — suppose a Sub-Inspector got information that a society was holding a meeting in a house, and that there was a large number of weapons in the house to be used for criminal purposes, then he could understand the Sub-Inspector making a search; but if he made the search and found only the weapons for which the licence was granted, then on what pretence could they be confiscated? He invited the Home Secretary seriously to consider this point. He would let the Sub-Inspector make a search; but if he found only the arms mentioned in the licence, which a Resident Magistrate and two district magistrates thought the man was entitled to have, then the arms ought not to be taken away.

MR. PARNELL said, the Home Secretary was going back on his old tack again. He had informed the Committee, with awe-stricken manner, that this clause was directed against secret societies; but experience showed that if there was one thing which domiciliary visits failed to do, it was to reach secret societies. He wished to ask the Home Secretary how many arms had been seized from secret societies by domiciliary visits since the Arms Act was passed in March of last year? Had he seized one? Had a single gun or weapon of any kind been seized under that Act which was suspected of being intended for the purposes of a secret association? Could the right hon. and learned Gentleman give a single instance; and, if not, why did he wish to retain this power? A clause of this kind was only useful for the purpose of irritating the population. He knew that many young men, shop-assistants and others, in Limerick had been turned into Fenians by the operation of a similar clause in the Act of 1870. They never intended to do anything against the Crown, but their boxes and private possessions had been turned out by the police, on the ground of searching for arms, and those men had since become Fenians, at least, in their hearts. It was in this way that revolution and sedition in Ireland were cultivated. He thought, as the Home Secretary was now asking for more stringent powers, he ought to show that the Act of last year had been in any single instance effectual in regard to secret and illegal societies.

MR. HEALY said, it seemed to him that the remarks of his hon. Friend called for an answer. He himself had shown earlier in the evening that, whereas, under a provision inserted in the Arms Act, £2,000 had been paid for arms legitimately delivered to the authorities, not a single gun or revolver had been seized under the right of search. He thought the Committee had a right to be informed what advantage the Government had obtained by the powers they already possessed, and if it was the case, as the Return showed, that a sum of over £2,000 had been paid for weapons honestly and legitimately delivered up by people who could not obtain licences to carry arms. The Chief Secretary, at least, ought to state how many guns, or revolvers, or cartridges, had been delivered under the existing Arms Act. He quite agreed that if the right hon. Gentleman had no information he could not give it; but, generally, if he had information he was very anxious to launch it upon the Committee. The hon. Member for the City of Cork had stated that not a single revolver, or gun, or a pinch of powder, or a percussion cap had been seized under the existing powers to search between sunrise and sunset; and, *per contra*, as the Government had, under what might be called the benevolent clause of the former Act, refunded £2,000 to persons for their arms and ammunition, it stood to reason, if the Government wished to get arms delivered back from those who held them, that they should still pursue the benevolent method, and not the reverse, as they now proposed. Was it desirable to pursue the discussion upon this clause after the statement made by the Prime Minister? After that statement, he thought they might come to a speedy conclusion upon it. If it were the fact, as the Prime Minister had said, that they only wished to use this power of night-search to discover the holding of illegal meetings, what was the good of the Government going on with the clause? They already had the power to search by day, and why should the Home Secretary be so obstinate as to this particular provision? Let the Home Secretary answer the question of the hon. Member for the City of Cork, and say whether the Government had found a single gun or pinch of powder under the Arms Act; and whether he supposed that during the night members of secret societies, who possessed guns or ammunition, would transfer those illegal articles from bog-holes and grave-yards and other places of illegal deposit to their homes for illegal purposes.

Sir WILLIAM HARCOURT said, he wished to draw the attention of the Committee to the manner in which this discussion was being conducted. He had already said what he had to say upon this clause, and now the hon. Member asked for details as to the seizure of arms. That was not his special department; he knew more about arms in England. But the hon. Member was entirely mistaken if he supposed that no arms were seized under the Act of last year.

Mr. PARNELL said, that was not his question. He asked the right hon. and learned Gentleman, and by implication he made a statement, whether any arms had been seized by means of domiciliary visits, which were intended to be used, or were suspected of being intended to be used, by secret societies?

Sir WILLIAM HARCOURT said, he was answering the hon. Member for Wexford (Mr. Healy), who said that not a single gun or pinch of powder had been taken under the Act of last year. That statement was not accurate. To say there were not as many arms as might have been seized, and, in his opinion, ought to have been seized, would be perfectly true, and that was why this clause was introduced. The clause in the last year's Act was unfortunate, on account of the limitations in the warrant, and that was why this clause was introduced without such limitations on the search-warrant, because these limitations defeated the Search Clause last year. Believing that there were in Ireland at this time—and, he might say, knowing that there were—large quantities of arms in the possession, or in connection with, secret societies, this clause was introduced in order that they might be found and seized.

The CHAIRMAN: I must point out to the Committee that in the last two or three speeches there has been no relevancy to the Amendment. The Amendment is to except arms held under licences under the Peace Preservation Act of 1881; but the whole discussion has been upon the clause, and not on the Amendment. I must ask any hon. Gentleman who rises to speak to the Amendment alone.

Mr. O'KELLY said, he must confess that he did not agree with some of his hon. Friends who had spoken on this Amendment, for he thought it would be a good thing if the police were to seize most of the arms held under permission from the magistrates. The object of this clause, as the Government proposed it, was to enable the Sub-Inspectors to deprive any farmer, who might happen to be objectionable to them, of the fowling-piece which was necessary for the protection of his field from birds and rabbits. There was not the slightest probability that this clause would enable the Government to seize any arms intended to be used for illegal purposes. The power under the present Act had never enabled the Government to seize those arms, and they never would be able to do so. The right hon. and learned Gentleman had told them that he was better informed in reference to arms in England than in Ireland. If the right hon. and learned Gentleman's knowledge of the number and condition of arms in England could be judged by the statement in the public Press, the right hon. and learned Gentleman's knowledge was very limited indeed. The danger of this clause, as it stood, in reference to Ireland, was that it might be used in a malicious way by the police to deprive farmers of the arms which were necessary to protect their crops, and thereby inflict on farmers, who might be regarded by the police as objectionable persons, serious loss from damage to their crops. The Amendment, as it stood, would diminish that danger. Speaking for his own county, he knew that injury had already been inflicted, practically in defiance of the law, by the police, upon every man who was suspected of being a person holding opinions not liked by the police authorities of the country. These men had been deprived of their arms. They had been robbed during the last year of a certain amount of their crops by being deprived of their arms, with which they were enabled to kill the game which was so destructive to their crops, and, therefore, he did not agree with some of his hon. Friends who had spoken upon this question. He was of opinion that it was a very good thing for every man to have a gun, and he should take the liberty of differing materially and strongly with the hon. Gentleman who had supported this Amendment.

MR. GRAY said, the object of the clause was simply vexatious and irritating to the well-disposed and law-abiding people, while it would not in any way interfere with the criminals. It appeared that, under this Act, constables would have power to confiscate arms and ammunition. He himself had had some experience of the inconvenience and annoyance which arose from confusing and conflicting Acts of Parliament with reference to the possession of arms in Ireland. In the year 1871, when the Act of 1870 was in force, he was in possession of a *bijou* rifle, and he went down to the sea-side, taking this rifle with him. The Wild Birds' Act was not then in force, and he wished to amuse himself by shooting sea-gulls and the like. It so turned out that he went into a proclaimed district, and a police-constable came up to him and asked him whether he had a licence to carry this toy-rifle. He produced an Excise licence, but he was told that that was not sufficient, and that he would have to be taken into custody. He told the constable who he was, and the constable was very civil. He was desirous not to take him (Mr. Gray) into custody, but he said the law was imperative, and he should have to arrest him. This was on the Saturday afternoon, and he was brought to the police-station. At the station he saw the Inspector, to whom he said, "This is a very irritating business;" to which the Inspector replied—"I do not wish to keep you, but I have no option; I must keep you. I have no means of liberating you now, as there happens to be no magistrate in the county, and the only thing that I can suggest is that you should remain in the cell until Monday morning." This was at Mallahide; and the Inspector said that the magistrate might probably return to his residence on Monday morning, when he (Mr. Gray) could be liberated. This was not a very pleasant prospect, and he asked the Inspector if there was no other way by which he could be liberated before Monday. The Inspector replied, "No; I am very sorry, but I must keep you." At last, he (Mr. Gray) said—"Well, you had better send me in custody into Dublin, and there we will find a magistrate who is a magistrate of the county." He was sent to Dublin in charge of a constable bearing his own and his (Mr. Gray's) rifles. He was brought to Dublin Castle, and there he was introduced to the Inspector General of Constabulary, who said he was sorry for the inconvenience to which he (Mr. Gray) had been put, and, as he was a magistrate for the county as well as for the city, he would liberate him at once. He (Mr. Gray) heard no more about the matter. He was not disposed at that time to be of a very rebellious disposition, or to use his rifle for the purpose of committing any offence; but this just illustrated the way these Acts were worked. They irritated and annoyed the lawfully-disposed people, while they did nothing towards catching any member of criminal society. The clause, as modified by the Prime Minister, proposed that these night domiciliary visits should only be used for the purpose of arresting people who were actually meeting in a house for secret purposes. For what purpose did the Government ask power to seize arms? Surely, it merely led to confusion; it merely tended to irritate and cause discontent amongst the lawfully-disposed, and it never would touch a single criminal. It had not been shown that under the Act of last year a single arm was confiscated that the Government suggested as being used for the purpose of a secret society. Doubtless, by this clause, many persons as loyal as he was in 1870 would be greatly irritated. Though the occurrence which he had related did not turn him into a Fenian, it greatly annoyed him, and he had never forgotten it, and he had never had the same respect for English administered law since that date as he had before. They might occasionally seize arms by entering houses at night; but it was possible to be shown, subsequently, that those arms had been licensed under the Act of last year. He had no hesitation in saying that this clause would not affect secret societies in the slightest degree, but it would create discontent and disaffection.

MR. PARNELL said, the Government had not been able to mention a single instance in which, during the last year, any gun or ammunition had been seized as a result of domiciliary visits which was intended to be used for the purpose of a secret society, and he believed it might also be stated to be a fact that no weapon of any kind had been seized as the result of any domiciliary visit at all, thus clearly showing that such clauses were perfectly useless for the purposes they had in view. He wished to show, also, that this clause would supply an inducement to the persons who believed the police had any ill-will against them to conceal any valuable arms they might have. Suppose a farmer with a valuable fowling-piece worth, say, £20 or £30, for which he had got a licence, it would be in the power of a magistrate or Sub-Inspector to come in at random after that licence had been given, and, under a warrant of the Lord Lieutenant, absolutely confiscate that weapon. Consequently, any person who had a valuable arm of any kind would be very much inclined to conceal it, if he had reason to suppose that the police had any spite against him and intended to search his house for arms.

Mr. REDMOND said, that what had happened with reference to this Amendment was a very fair instance of the way in which the Government, by their own obstinacy, prolonged the discussion upon the clauses of this Bill. The point for which the Irish Members were contending was a very small one. The Amendment, if the Government had assented to it, would not in the slightest degree have impaired the efficiency of the clause, but, by making a concession, the Government would have tended, to some extent, at any rate, to conciliate a large section of the Members in this House, and they would certainly have facilitated the progress of the Bill. But on every occasion of this kind, when matters like this were left to the discretion of the Home Secretary (Sir William Harcourt), they found the Government taking a most firm position, and refusing to make the slightest concession. Before they proceeded to a division, he would like to ask the Committee seriously to consider what the real point at issue was. Under the Act of last year, it was provided that farmers of respectable character, who were able to prove that they were of respectable character to two magistrates belonging to their own districts, should obtain from those two magistrates a certificate of good character, and a certificate that they were not about to use arms for illegal purposes. They thereupon could obtain from the licensing authority, which was composed of the Resident Magistrates, a licence to carry arms. It was, however, provided by this clause of the present Bill to override that licence at the mere suggestion of a police-officer. The contention of the Home Secretary was very plain and very unjust. The right hon. and learned Gentleman argued that the licence to the farmer might have been granted 12 months ago, but the suspicion that he was about to use his arms for illegal purposes might be of more recent date, and, if that were so, the suspicion must be acted upon at once and without the delay that would be consequent upon what the right hon. and learned Gentleman called a roundabout application to the Lord Lieutenant to revoke the licence. That was a fair statement of the objection which had been argued by the right hon. and learned Gentleman, who, by the way, added that the police authorities would not have power to search for those arms without, in the first place, making an application to the Lord Lieutenant. The answer of the right hon. and learned Gentleman was conclusive. If, in the first place, the police were able to give sufficient reason to the Lord Lieutenant to induce him to grant a warrant to enable them to search for arms, they, at the same time, would be able to give sufficient reason to the Lord Lieutenant why he should revoke the licence previously granted. There was not the slightest necessity for a second's delay. As soon as the police authorities believed there were in a particular district arms which might be used for illegal purposes, all they would have to do was this. In addition to applying to the Lord Lieutenant for power to search houses, they must represent to His Excellency the necessity of revoking the licence he had granted. Such a proceeding would not entail any delay, and he ventured to say that the request of the Irish Members in this matter was most reasonable. A second point was raised by the hon. Member for the City of Cork (Mr. Parnell). Under the Act of last year, it was provided that if men possessing arms gave their arms up voluntarily to the Constabulary they should be paid compensation, and in case they had obtained a licence, they were allowed, of course, to retain their arms. What was proposed by this clause? In the case where men had not given up their arms because they had got licences to keep them, it was proposed, on the suspicion of a police officer, to take their arms from them without any compensation whatever. The least that might be done would be this—that in cases where arms were taken from persons who had previously held them under a licence, the Government should grant them compensation. If the Government acted upon the principle of the Bill of last year, they were bound to give the people compensation, because compensation was only refused in cases where they had refused licences, and where the people had refused to give up their arms. The Home Secretary, as another objection to the Amendment, said that the magistrates in granting the licences might not be infallible. It was well known the magistrates were not infallible; but did the right hon. and learned Gentleman mean to contend that police officers, on whose suspicion a seizure of arms would be made, were infallible? If he did not, what did he mean by talking about the fallibility of magistrates. He sincerely trusted that upon this matter he would have the support, not only of hon. Members from Ireland, but those hon. Members representing English constituencies who did not desire to see this Act more oppressive on the people of Ireland than was absolutely necessary, in their opinion, for the suppression of crime.

MR. HEALY said, it appeared to him that the Home Secretary must be quite unaware of the proposal which had been previously made. The fact was that the police should only enter a house for the purpose of search, and the Amendment proposed that arms which had been previously licensed should not be seized by means of a night's search, day search, or any search at all. If it be the case that nothing should be seized at night, except when an illegal meeting was discovered, it was evident, from the position which the Home Secretary had taken up, that he was quite unaware of the concession made by the Prime Minister. He would ask when the Government intended to bring in their Amendment as foreshadowed by the Prime Minister? Would they bring it up to-morrow, or upon Report?

SIR WILLIAM HARCOURT: On Report.

Question put.

The Committee *divided*:—Ayes 32; Noes 203: Majority 171.—(Div. List, No. 161.)

MR. LEAMY said, he rose to move an Amendment, the object of which was to take from Sub-Inspectors the power proposed in this clause of not only searching for and seizing arms and ammunition, but also papers and documents. This power, if exercised, would, he believed, lead to a vast amount of irritation and exasperation, and would scarcely be of any practical value to the Government. If the Government thought arms were concealed in Ireland, to be concealed for the purpose of treason or the commission of crime, there might, from their point of view, be very good ground for taking this power of search; but the Committee should bear in mind the way in which this power of seizing papers was exercised during what was called a conspiracy in Ireland. The police entered houses and ransacked every part; searched for papers, and took away not only papers which could by any possibility be connected with secret associations, but papers belonging to all the members of the family. He hardly understood how any Englishman could support such a power as was claimed under this clause. He could not expect, at that time of the night, when English Members had gone away, disgusted probably with the proceedings of the Committee, and with the fight which Irish Members thought it necessary to make for what they believed to be the rights of their people under the Constitution, to secure the sympathy of English Members; but he would ask any English Member who cared to listen whether he did not think that Ireland was a part of the Kingdom which ought to enjoy some of the benefits of the British Constitution; and whether he thought it right to seize papers which might be suspected by a policeman as absolutely necessary for preventing crime in Ireland; and whether he thought such a power could have any effect but to further irritate the people against the English Government, and convince them of the uselessness of expecting to have an equal share in the benefits of the Constitution? The searches under the Arms Act of last year had been very extensive, and sometimes the police entered 100 houses in one day in the same locality. These visits had been so carried on that floors had been broken up, and every part of the house which, in the opinion of the police, might conceal arms had been torn open in the search. He could understand that if the police were authorized to search for documents their search must be minute; but he could not understand the Home Secretary asking for this clause. He had heard the right hon. Gentleman describe himself as a Whig; but he thought the Home Secretary might have gone back to the time when Fox and the Duke of Bedford were standing up for the right of freedom of speech in the country, and have followed their example. How could the Chief Secretary for Ireland support this clause? He did not care whether it was exercised by day or by night; but he was not willing to be held as joining in the praises which had been expressed of the Treasury Bench for the so-called concessions they had made. The proposals of the Government were equally opposed to the Constitutional rights of the Irish people; and, therefore, he was equally opposed to this power of search. How could the Home Secretary justify this power—this searching which would go to the length of examining every portion of a house and carrying off every paper that could be found? It was stated the police might only search for documents which they suspected were connected with unlawful societies. How would this clause work? A search might be made in a country district on a particular day, when, perhaps, 40 or 50 houses would be examined; a number of manuscripts would be found in each house, and these loose papers could not be examined there and then in the house, to show whether they were or were not connected with secret societies, but they would be carried away altogether. That happened in 1866-7, when letters which had no connection with secret societies—and even girls' love-letters—were carried off. What could the Home Secretary expect to gain by this proposal? He knew how minute a search for arms could be; but if documents were to be searched for, even a man's clothes hanging on a door would be subject to examination, and every piece of paper upon which there was the least writing would be seized. Did the Home Secretary think that if such a power of search were given to the police, and was known throughout the country, that people were fools enough to keep compromising documents inside their house? Of course, they would not do anything of the kind, and when the police made searches the only people likely to be hurt would be the innocent people. Other people who desired to keep secret arms and papers would take good care to have them outside the house. He did not see how the Home Secretary could hope to gain by this power, and he hoped the Amendment would receive the support of English Members.

Amendment proposed,

In page 6, line 15, to leave out from the word "ammunition," to the words "to be" in line 16.—(*Mr. Leamy.*)

Question proposed, "That the words 'papers, documents, instruments, or' stand part of the Clause."

SIR WILLIAM HARCOURT remarked that he had already pointed out that this clause was directed against secret societies, and unless the Government possessed these powers they could not attempt to grapple with secret societies. Did hon. Members mean to say that if the police found in the house these documents of incitement to assassination and intimidation, and murderous placards, they were not to seize them? Of course, they must seize them, and take into custody the people who were in charge of them. If anything was to be done for the prevention of crime it must be by actions of this character, and he must be permitted to say that when the Committee entered on the consideration of this Bill hon. Members opposite said they were very anxious to co-operate in a Bill for the prevention of crime. He should like to know what symptom there had been from them of that desire? What were the measures which hon. Members were disposed to take for the prevention of crime in Ireland? He should like to see any one hon. Gentleman on those Benches get up and say in what way they had assisted in any measure for the prevention of crime. There was no clause or suggestion for that purpose which had not met with the same extreme and unrelenting opposition. What were the measures hon. Members proposed to take? He should have thought that if there was any measure in passing which every right-minded man in that House, and out of the House, would have been disposed to take part, it would have been something that would have given power to the law to stop the circulation of such documents as that which had been read on the previous nights, inciting to the murder of innocent men, simply for lending cars to the police. The Government must and would take such powers as were necessary to seize such documents.

MR. PARNELL said, he did not think the right hon. and learned Gentleman was entitled to ask Irish Members what measures they would recommend for the prevention of crime in Ireland, because they had repeatedly, during the last 12 months, informed the House of the measures they proposed; but the Government had rejected their recommendations. A short time ago they recommended an Arrears Bill, and they believed—and they ought to know—that if that Bill had been passed, and the Government had not gone back upon their brutal policy of coercion, which had proved to be a failure under the late Chief Secretary for Ireland (Mr. W. E. Forster), crime would have been prevented. During the fortnight or three weeks when it was supposed the Government were about to depart from this policy of coercion crime greatly diminished in Ireland—it diminished as much in one month, when it was supposed that the Government were going to trust to the honour and good feeling of the Irish people to repress crime, as it had increased during the four months of the coercion policy of the late Chief Secretary. The Irish Members had never ceased recommending such measures in order to prevent crime, and he failed to see what further proof could be given to the Home Secretary. The right hon. and learned Gentleman had been a consistent advocate of legal violence against the Irish people; and yet he now came forward with his last act of legal violence, which he was pressing through the House with the relentless determination to accept no Amendment except those of trivial importance. Irish Members did not lie under the reproach of having refrained from stating their recommendations. They believed Ireland would have been pacified if the counsels of the right hon. Gentleman the late Chief Secretary for Ireland had not been followed. Those counsels had been followed, and the responsibility was not on the shoulders of the Irish Members; and he thought that his hon. Friend (Mr. Leamy) was entitled to some other reply than that he had received on the present occasion. Under this clause, as it stood, the police could take a man's clothes on the ground that they were to be used for the purpose of carrying out the objects of illegal associations. There was no definition in this Act from beginning to end, and that was what the hon. Member asked for. The Home Secretary had persistently followed up his policy upon this clause of refusing to define anything, and of leaving every person and every civil right in Ireland to the tender mercies of the police.

MR. T. D. SULLIVAN said, the Home Secretary told the Committee that he was anxious to have the power of searching for treasonable and seditious documents. He begged to ask the right hon. and learned Gentleman the Home Secretary what he thought of the following document:—

> "Think you Queen of England, you Prince of Wales, you Duke of Edinburgh, you Duke of Connaught, you Prince Leopold, you Princesses Royal, Helena, Louise and Beatrice; you lazy Royal louchers on the labours of the people——"

THE CHAIRMAN: Is the hon. Member reading some paper he has found in Ireland?

MR. T. D. SULLIVAN, said the extract was from an Irish paper—

> "You lazy Royal louchers on the labours o a suffering people, and you haughty aristocrats, you bloated capitalists, you land and money thieves——"

THE CHAIRMAN: The hon. Member is reading an article which uses disrespectful words to the Queen. It is not allowed that disrespectful words to the Queen should be used in this House even in a quotation.

MR. HEALY rose to Order. This clause dealt with any arms, ammunition, papers, or documents, and with the power to seize papers and documents under this clause. He wished to ask whether the fact that the more reprehensible the language read by the hon. Member was the more desirable it was that it should be exposed in the Committee?

THE CHAIRMAN: The point of Order is a different matter. In any speech of any hon. Member, even by quotation, it is improper to use words disrespectful to the Sovereign.

MR. T. D. SULLIVAN said, he would not read another word of the extract which was disrespectful to the Royal Family; but he would go on with the other portion—

> "Think, you haughty aristocrats, you bloated capitalists, the land and money-thieves of to-day—think, we say, before it is too late, and repent of your misdeeds; disgorge the wealth you have only got by murder, exaction, robbery, and rapine of the most vile form; tremble with the knowledge that the day of retribution is fast approaching when an oppressed nation will rise in the majesty and grandeur of their might, and sweep you, the blight and curse of every age, from the face of the earth like so many vermin as you are. Oh, yes! sweep you from the earth, for only your extinction can cure our misery. And now, what is the remedy for such a state of things? Why, a war to the knife against the governing classes of to-day—war against all these legalized thieves and murderers. Oh, yes! workers of to-day, there is nothing left for you to do but to steel your nerves, dry your powder, sharpen your weapons, tighten your grasp, and drive the bright flashing steel clean through the trembling heart of your bloodstained foe."

The right hon. and learned Gentleman had said he wished to search for treasonable and seditious documents. Surely he ought to search for treason and documents wherever they were to be found; and this extract, though it appeared in an Irish paper, appeared there only for the purpose of denouncing it, while the paper in which it first appeared as serious advice and counsel to the people, was not an Irish paper, but an English paper. By this extract he would test the sincerity of the Home Secretary. Why was treason and sedition to be sought for and punished in Ireland, and allowed to go scot free in England? There was no Irish paper that would seriously publish this extract; and, although it appeared in an Irish paper, it was published in order to be held up to scorn and reprobation. But there was no reprobation of it, and no punishment of it, so far, by the right hon. and learned Gentleman who, in this clause, acknowledged a measure sought for the persecution of Irish journals who would be ashamed to publish such incitements to treason, assassination, and murder as this, which was published within the reach of his own hand in the City of London.

MR. NEWDEGATE said, it was well known he had little sympathy with the course which hon. Members below the Gangway were pursuing; but he had read the Oath of Allegiance, and it was the duty of every Member of that House, whenever he could procure evidence of treasonable intentions against Her Majesty, or against any member of the Royal Family, to denounce in that House all such publications as had been quoted by the hon. Member for the purpose of inducing its suppression. If the hon. Member for Westmeath (Mr. T. D. Sullivan) had reason to believe that the words he had cited, utterly treasonable as they were, had appeared in an English newspaper, he had a perfect right, and, indeed, was bound by his Oath, to denounce that paper.

MR. O'DONNELL thought the hon. Member for Westmeath had done public service by calling attention to the tolerance which the Home Secretary extended to treason in England. The only argument of the Home Secretary in favour of the unamended condition of the clause which his hon. Friend sought to amend, was that he desired to have powers to seize such documents as he had read to the House on a previous night. The document which the Home Secretary read last night was an extract from an Irish Conservative newspaper; and the right hon. and learned Gentleman could very easily get at Irish Conservative newspapers without searching the homes of the Irish peasantry. He had, however, only interposed to express his regret that while the Committee was engaged in the calm discussion of this Amendment, and with a business-like desire to put forward objections and arguments against the clause, the Home Secretary had intervened to cast oil on the troubled waters in his own inimitable manner. He thought the absence of the right hon. and learned Gentleman might not interfere with the rapid progress of Business.

MR. SEXTON asked what more was wanted if the Government were able to seize arms, papers, and documents? If they could seize records and correspondence of secret societies, what could the wildest imagination conceive it was necessary to seize beyond them? Under this clause, they might seize even the furniture of a house, and, perhaps, set up as dealers in old furniture; but he supposed that was not the intention of the Government.

MR. PARNELL asked whether the right hon. and learned Gentleman the Home Secretary would meet the suggestion to leave out "instruments or articles," in order to avoid a division?

SIR WILLIAM HARCOURT said, there were some articles which it was very necessary to seize, such, for instance, as crape masks.

MR. HEALY said, he should like to know whether the police would proceed to read all the murderous placards—all the documents and papers found on the premises; and would a responsible officer decide on the spot, before proceeding to arrest a person, whether or not the documents discovered were illegal? What he meant was this. Would the documents be read, and would a decision be come to by the search officer as to their legality or illegality before they were seized, and before the person in whose house they were found or their owner was arrested?

SIR WILLIAM HARCOURT said, that under this clause it was not proposed to seize persons at all.

Question put.

The Committee *divided*:—Ayes 175; Noes 30: Majority 145.—(Div. List, No. 162.)

MR. HEALY said, that as he thought it was desirable that they should come at once to the Amendments of the hon. Member for Waterford (Mr. Richard Power), which were of great importance, and as his (Mr. Healy's) Amendments had practically been decided by the vote that had been taken, he would not move those Amendments.

THE CHAIRMAN: The next Amendment is in the name of the hon. Member for Sligo (Mr. Sexton).

MR. SEXTON said, he hoped the Government would accept the Amendment he had to propose, which was to the effect that the search officer should communicate to the head of the force to which he belonged the reason why he made a search. He considered it to be desirable that at Dublin Castle there should be a record of the number of searches made. Some inconvenience had been experienced by the House through the want of such information in regard to the operation of a similar clause in the Act of 1870.

Amendment proposed,

In page 6, line 19, after the word "Majesty," to insert the words "Provided, That the officer who conducts a search shall in every case forward a report to the Inspector General of the Royal Irish Constabulary, setting forth the cause of the search and its results."—(*Mr. Sexton.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, this was a provision that he had never heard of in any search clauses before. It was impossible, in an Act of this kind, that all the grounds of suspicion, and all the details of the search, should be set forth.

MR. T. P. O'CONNOR said, the right hon. and learned Gentleman stated that he had never heard of a Proviso of this kind; but if he would turn back to Sub-section 2 of Clause 9 he would find these words—

> "The said justice may for good cause discharge a person so committed, and in any case shall forthwith transmit a report of the committal to the Lord Lieutenant stating the grounds of the committal, the security required, and any explanation given by the prisoner by way of defence. The Lord Lieutenant may order the prisoner to be discharged if it seems just to him so to do."

As he (Mr. T. P. O'Connor) understood it—he had not seen the Amendment of his hon. Friend, and had only heard it read—it seemed similar to this sub-section. He took it for granted that the Government had very good reason for putting this Sub-section 2 in Clause 9—that they did not do it without sufficient ground. He supposed that the idea was that the necessity of supplying this report to the Lord Lieutenant would act in some way as a restraint upon the capricious arrest of strangers. His hon. Friend proposed what was practically the same as Sub-section 2 of Clause 9—namely, that a Police Inspector or Sub-Inspector should use the powers of the clause, and give a report in every case in which he used the powers to the Inspector General of Constabulary. Well, such a document would be confidential. It was not a document that would have to be laid before Parliament, and simply would provide that the power should not be used capriciously. It appeared to him (Mr. T. P. O'Connor) a very reasonable proposal.

Sir WILLIAM HARCOURT said, the reason the provision was inserted in Clause 9 was that the clause was a power against the person. It was provided in that clause that if persons arrested did not give security for good behaviour or to keep the peace he should be imprisoned for one month. In order that the Lord Lieutenant could discharge such a prisoner, if it was thought desirable, it was necessary that a sub-section of this kind requiring a report to be submitted should be inserted in the clause. A clause similar to the present with regard to search for firearms was inserted in the Bill of last year. When, under that Bill, a policeman entered a house and searched for and seized arms, no such report as was now referred to was thought of.

Mr. T. P. O'CONNOR said, he did not think the right hon. and learned Gentleman had rightly read this sub-section. The words were—

> "The said justice may for good cause discharge a person so committed, and in any case shall forthwith transmit a report of the committal to the Lord Lieutenant."

That was to say, whether the prisoner was committed or discharged. It was necessary that this report should be laid before the Lord Lieutenant, the right hon. and learned Gentleman said, because His Excellency might have to discharge the prisoner; but, under this clause, this might occur where a prisoner had been discharged, and, therefore, where he was not seeking any clemency. The precedent of last year could scarcely be quoted in favour of the stringent regulation of the present clause. The clause of the Act of last year was of a comparatively mild character compared with this, for the reason that the person against whom the warrant was to be issued had to be mentioned in the warrant. The right hon. and learned Gentleman would be entirely following out the sub-section of Clause 9 by agreeing to this Amendment.

The ATTORNEY GENERAL (Sir Henry James) said, the hon. Member was not correct in saying that the report had to be furnished to the Lord Lieutenant under Clause 9, whether the prisoner was committed or discharged. The sub-section said—

> "And in any case shall forthwith transmit a report of the committal to the Lord Lieutenant stating the grounds of the committal."

No report at all would be sent unless there was a committal, for the clause said the Lord Lieutenant

> "May order the prisoner to be discharged if it seems just to him so to do."

The words "in any case" only referred to the committal, not to the discharge. If a person was discharged there would be no report. In the Act of 1847 no such words as these were contained.

Mr. SEXTON said, he must take exception to the way in which the hon. and learned Gentleman read the sub-section. A man might be committed and then discharged, and then a report would have to sent to the Lord Lieutenant.

Sir GEORGE CAMPBELL said, he thought some provision of this kind would be very reasonable. He supported the clause generally, because it seemed to him it was necessary to have some check upon the police, to prevent the possibility of their making searches without sufficient grounds—it was desirable to have a record of the proceeding. He quite agreed that to make public the grounds upon which the search was made would have the effect of defeating the object of the clause; but he certainly thought that some Departmental and private report of the grounds and of the suspicion should be made. Such report would not interfere with the object of the clause, and he trusted that something of that kind would be agreed to.

Mr. O'KELLY said, did the right hon. and learned Gentleman the Home Secretary mean to say that he was going to supply a Sub-Inspector or an Inspector of police with what were practically blank warrants to search wherever he pleased, without requiring any record of those searches to be returned? Was he going to allow these policemen to travel over the country at their own goodwill, without the knowledge of the Government or their superiors, and to search the house of any individual in the town and district in which they might reign? Was that so? If it were, it would be well for the Government to say it plainly, and not to be wearing a Constitutional mask. Let them establish their benevolent despotism openly—let them confer openly on their subordinates all the privileges and powers of despotism; but if they meant, even colourably, to rest under the sanction of Constitutional government, the House had a right to ask that when an agent of the Executive performed such an act as to search a man's house at night, or even in the day, some record of that action should be kept. Such records would be found even in Russia, not to speak of England. At least, the Irish people had a right to demand that they should be granted the liberty that was allowed to the subjects of Russia. If this clause were passed in its present form, what would be the result? Why, to confer on every Sub-Inspector in Ireland—and many of these officers were mere boys, without any experience either of government or of the world—the right of entering the house of any man in Ireland, at any hour, and under any circumstances that might please him, and turn that house upside down, without making the slightest report or record of his action. Was that a state of things the right hon. Gentleman at the head of the Government would desire to see established in Russia or in Turkey? If he would not, at least they had a right to demand that he should not be a party establishing such a state of things in Ireland; they had a right to demand that the Government would, at least, afford them the protection that would be offered by a foreign army in occupation, in the carrying on of actual hostilities, for the security of persons living in the country—he would not say of subjects, but simply of human beings. At least, in the present age, it would be almost impossible to find in the records of contemporary history such a power conferred on a Military Governor, in an Act passed during a time of hostilities, as that which would be conferred on the Irish police under the present Bill. Well, this being so, he could not agree with his hon. Friend the Member for Sligo (Mr. Sexton). He maintained that this record ought not to be confidential. It ought to be a public document. It ought to be a document that they in that House would have a right to examine. It ought to be a document within the reach of the House; but it appeared that this Government—this Liberal Government—was not prepared even to compel its subordinate officers to make a report to their superiors. Such a thing was simply monstrous. What was the Government establishing but a system of legalized brigandage? What were they converting their police into? Why, into a body of legalized brigands—they could not call them the mere executive officers of a civilized government. The right hon. and learned Gentleman the Home Secretary smiled. The right hon. and learned Gentleman had little sympathy with civilized government. He would be more in his place as a Turkish Pasha than as an English Minister. He thought, on those conditions, the Government would do well to accept the Amendment of the hon. Member for Sligo.

SIR WILLIAM HARCOURT said, this clause had been known for several years, and had not produced the terrible effects which were supposed to follow upon it. This clause had existed in Ireland in nearly the same form from the year 1847. Of course, the police performed the functions thrown upon them, and they reported to their superiors in the manner which their superiors directed, and not according to Act of Parliament. There was no Act of Parliament which directed what kind of reports the police should or should not make to their superiors. That matter was left entirely to the police authorities. Any policeman in London, upon suspicion of felony, could arrest any Member of that House, or anyone else, and would make such report to his superiors of the circumstances of the case as his superiors directed him to make. That would be precisely the same with regard to Ireland in cases of search.

SIR JOSEPH M'KENNA said, it was useless for the right hon. and learned Gentleman to say that the practice in England was the same as in Ireland. He might imagine that the similarity was sufficient for the purpose of launching that sophistry upon the House; but he ventured to say that no Member of the Government would agree with him in the statement he had made. His hon. Friend proposed to place a check on the officer making search; and in doing so he asked nothing more than, in his opinion, ought to be conceded, even although the right hon. and learned Gentleman might not see that it was absolutely necessary. The clause they were engaged in discussing was a very stringent one, and it would only be consistent with good policy and expediency that the right hon. and learned Gentleman should give way to

Irish Members on points which did not interfere with the principle of the Bill. He could not see how such a Proviso as that proposed by his hon. Friend could interfere with the efficiency of the clause. If the Bill was to become law, he was anxious that it should work with the least possible amount of ill-feeling; and he ventured to say that the Proviso of the hon. Member for Sligo would tend in that direction.

Sir GEORGE CAMPBELL said, that the Rules of Criminal Procedure in India were regulated by laws drawn up by an eminent body of jurists; but the regulations of the Indian police would require that a record should be made of the kind now asked for, and he trusted that the Government would issue proper orders with regard to police reports in cases of search in Ireland, there being a great deal of natural jealousy with regard to the way in which this power would be exercised. He thought the Government would do well to accept the Amendment, which would not interfere with the efficiency of those powers.

Mr. PARNELL said, he wished to ask what were the regulations at the present time with regard to the reports of policemen in the case of searches for arms? But the Department of the Constabulary required the Inspectors to make reports with regard to those searches, and they showed what were the details required to be given in those reports.

Sir WILLIAM HARCOURT said, he had already stated that in these matters there could be no doubt whatever that the rules of the Irish police were exactly similar to those of the English police. Hon. Members seemed to suppose that this was a kind of special legislation for Ireland; but that was not the case, because there were already very stringent clauses relating to search in the English Statutes—in the Smuggling Acts, the Explosives Act, and others. It was entirely a matter of police discipline how or in what manner the police were to report to their superiors.

Mr. PARNELL said, the right hon. and learned Gentleman had told them that reports were made, and it was difficult to understand why he was unable to give the information he had asked with regard to the reports made at the present time by the police in Ireland. The right hon. and learned Gentleman seemed to have misunderstood his question. He had simply asked whether reports were made in cases of search under the Act of 1881. He asked whether the reports were made by Inspectors or Sub-Inspectors carrying out these searches to the Constabulary Department in Dublin; what was the nature of those reports; and what were the details they were supposed to give. He asked for this information, because it would be a guide to Irish Members as to whether or not they should press this Amendment upon the Government. If it were not the custom of the Inspector General in Ireland to insist upon these reports being given with regard to the right of search applied under the Act of 1881, that would be a reason for pressing the Amendment of his hon. Friend upon the attention of the Government.

Sir WILLIAM HARCOURT said, he could not answer as to the particular form of the reports which the officer executing the warrant would make to his superior officers.

Mr. SEXTON asked whether the officer reported why he made the search, and what he found on the premises? These were two essential points. It was desirable to know whether the suspicions of the police were justified or not by the result, and whether, in making the search, the police had conducted themselves properly. Irish Members were in possession of very little information upon this subject; and he was unwilling, for his own part, to allow the matter to rest on the will of the officer of Dublin Castle. He wanted it to depend not upon the will of a Dublin Castle official, but upon the will of the House of Commons. He wished it to be made clear that a person who neglected his duty by not furnishing a report would be guilty, not only of a breach of discipline, but guilty in law.

Mr. O'KELLY said, if these matters were reported by the police to their immediate superiors, even if the communication were confidential so far as the police were concerned, he could not see what objection the Government could have to placing that information before the House. If the police proceeded to make their search upon reasonable ground, what objection could the Government have to laying the reports upon the Table? The object of the Amendment was that a report should be made to the Inspector General in such a manner that it should be available for Members of that House. He said that the view that these reports should be confidential was not a sound view. The report should be of a nature that hon. Members should be able to reach it, and be able to judge as to whether the conduct of a particular police officer in making a search was justified or not. That was the only protection they could have against the abuse of the power conferred on the police under this Act, and that was exactly the point which had been evaded by the right hon. and learned Gentleman the Home Secretary. The right hon. and learned Gentleman said that these reports were made by the police to their superiors. Then, were those reports of a nature which would afford any protection whatever to the liberty of the subject? It was not sufficient to say that a report was made by the police to their immediate superiors. They well knew in Ireland what was the value of these reports, and how little protection they afforded the innocent people. It was for that reason that Irish Members desired to import into this clause such a protection for the liberty of the subject that no subordinate officials should be able to use this Act for the purpose of tyranny, or as an engine of oppression against persons towards whom they had a personal spite. That was the object sought by this Amendment, but which the right hon. and learned Gentleman had not dealt with.

MR. DAWSON said, he thought the right hon. and learned Gentleman the Home Secretary had not met the case. Although he had stated that the regulations of the police force, with regard to the reports which they made to their superiors, were the same in the case of Ireland and England, he (Mr. Dawson) was obliged to point out that the two systems were entirely dissimilar.

SIR WILLIAM HARCOURT: Allow me to say that the Dublin police and the Metropolitan police are in this respect exactly upon the same footing.

MR. DAWSON said, the right hon. and learned Gentleman had just made use of the only exception which existed, and had thereby proved his rule.

MR. T. P. O'CONNOR said, the hon. Member for Roscommon (Mr. O'Kelly) had set forth the desirability of having some documents which would be within the knowledge of Parliament, and subject either to its approval or censure. If an Amendment were put forward for the purpose of securing that object, he should feel it his duty to give it his support. But that was not the ground taken up by his hon. Friend the Member for Sligo (Mr. Sexton). As the right hon. and learned Gentleman the Secretary of State for the Home Department knew very well, the proposal was that the Inspector should send in a report of the Inspector General of the Royal Irish Constabulary setting forth the causes of search. His hon. Friend thought that these words would have the effect of putting a check upon the action of police officers; and he challenged the right hon. and learned Gentleman, or any of his Colleagues, to show in what way the adoption of the Amendment could possibly prejudice the operation of the clause. If, as the right hon. and learned Gentleman said, the rules of the Service already required a report to be made, what harm could there be in inserting the words proposed by his hon. Friend in the clause? It was hardly worth while, at that time of the morning, seeing that in the course of a few hours they should be again engaged in the weary work of discussing this Bill, to reject words which could neither be said to be necessary nor superfluous.

Question put.

The Committee *divided*:—Ayes 34; Noes 127: Majority 93.—(Div. List, No. 163.)

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. P. Martin.*)

MR. PLUNKET said, he desired to make a few remarks with regard to what had occurred at the commencement of the evening. The right hon. Gentleman the Prime Minister had made a statement which, he said, he hoped and believed would greatly shorten the discussion on this clause. It was a most important statement, and a construction was at once put on it — a construction which he hoped and believed was erroneous—by the hon. Member for Wexford (Mr. Healy), who said that, after the concession that had been made, it was unnecessary to proceed with the Amendment. This happened at half-past

9 o'clock; and he (Mr. Plunket) wished to put it on record that from half-past 9 to half-past 1 in the morning they had been discussing this matter without any reference whatever to the concession made by the Prime Minister. This appeared to him to be an instructive illustration of the advantage of such concessions to hon. Gentlemen on the Opposition side of the House below the Gangway. Well, he (Mr. Plunket) wished to say just a word or two on the present aspect of the debate. The interpretation hon. Members below the Gangway, as he had said, had put on the words of the Prime Minister was that, under this clause, no search for arms or secret apparatus of murder was to be made at night, and that, therefore, if the Constabulary, under this clause, entered a house to discover an illegal meeting which they suspected was being held, if no illegal meeting was being held at that moment, although all these things, these secret apparatus of murder, and these documents were there, the officers could not seize them. Such a concession would render the clause useless, and would make the discussions which had taken place upon it nothing but a farce. He did not wish to undervalue the seriousness of a right of search, and it was a very important matter to give such a right at all. Unfortunately, it had often been necessary to give such powers in Ireland. In quiet times they had been relaxed; but, as hon. Members must be aware, times were no longer quiet in that country. The right hon. and learned Gentleman the Home Secretary himself, in serious, eloquent, and clear words, had referred to this clause in introducing the Bill. The right hon. and learned Gentleman had spoken under the shadow of a great crime, and at that time he perfectly remembered that it was said by hon. Gentlemen below the Gangway on the Opposition side of the House that they would not do anything to interfere with the law enacted for the purpose of preventing such terrible atrocities as those which had just then taken place in Ireland. The Home Secretary had referred to this clause as most essential. He said—

> "The first of these provisions is one, I think, that the House will see is most necessary. It is a power to search for the secret apparatus of murder, for the daggers, for the documents, for the threatening letters, for the crape masks, which are hidden, and which the police cannot reach; and unless the police have the power to enter houses and look for them, the persons who make use of these apparatus possess practical immunity. This clause of search—which will be pointed directly to these secret societies, these unlawful combinations—will be practically the clause of the Act of 1870. The search will take place by day or by night."—[3 *Hansard*, cclxix. 468.]

This was the meaning put deliberately upon this clause by the Minister in charge of the Bill. Let them, then, consider the consequences if this construction of the hon. Member for Wexford was to be put on the Prime Minister's words, and if the alteration suggested was to be made in the clause. At present there was, no doubt, a power to search houses for arms during the day time; and the only effect of this clause, when amended as proposed, would be to add to the power already existing the power of search for documents. [Mr. HEALY: During the night.] No, during the day. That was to say, that these persons—"Captain Moonlight" and his gang—could walk about all the day with these illegal documents, and could come home at night and sleep comfortably with these things scattered about their houses, the police having no power to search for them. It was absurd for the Committee to be spending a whole night in passing such a clause. And, with regard to illegal meetings, was it to be supposed that if the clause passed in the form suggested, they would ever be likely to discover any of these documents? If the interpretation which hon. Members had put upon the Prime Minister's words were correct, it would come to this—that a policeman would go into a place where he suspected an illegal meeting was taking place, but that if no meeting was at the time actually in session, although all these documents might be lying about, nothing could be done. He was sure whatever advice had been given by the Lord Lieutenant, who was responsible for the peace of Ireland, on these matters, it could not have been advice which would have supported such a construction as that being placed upon the clause.

SIR WILLIAM HARCOURT said, he knew very well that at this time of night it was no use to resist such a Motion as that which had been made; and he very much concurred with the right hon. and learned Gentleman (Mr.

Plunket) in what he had said as to the practical lesson which was to be learned with regard to the value of concessions to the Irish Party below the Gangway opposite. During the progress of this Bill there had been no clause upon which the Opposition had been more obstinate, and, if he might be allowed to say so, more unjustifiable, and that in spite of the promises which had been made by those hon. Members. As to the construction which the right hon. and learned Gentlemen opposite said the hon. Member for Wexford (Mr. Healy) and some others had placed on the statement of the Prime Minister, all he could say was that if they placed that construction upon it he could not agree in that construction, and he felt sure that his right hon. Friend the Prime Minister would not concur in it either. It had been said that it was quite plain that hon. Members below the Gangway on the opposite side had not placed that construction upon it, or else they would have followed the corollary to the declaration, and would not have continued to obstruct the clause. He thought, therefore, the right hon. and learned Gentleman opposite (Mr. Plunket) need not alarm himself that any such construction as that referred to was the construction which it was intended should be placed upon it, if such, indeed, was really seriously entertained by anyone.

Captain AYLMER said, he was in the House when the hon. Member for Wexford (Mr. Healy) had put that construction upon the words of the Prime Minister to which reference had been made; and he had heard the Prime Minister, in reply to the hon. Member, get up and declare that the construction that had been put upon what he had said was correct. The Home Secretary might not have been in the House at the time; but whether he was or not he certainly did not correctly understand the meaning the Prime Minister put on his own words. As, however, there was a doubt in the matter, it seemed to him (Captain Aylmer) that it would be desirable that the Amendment which was to be introduced into the clause should be put on the Paper as early as possible, and that in the form of a Proviso which could be discussed in Committee, so that it would not be necessary to leave the matter over until Report. The Prime Minister agreed with the hon. Member for Wexford (Mr. Healy), although the Home Secretary thought differently. At any rate, the Committee should be allowed to discuss the question.

Mr. HEALY said, there was much force in what had fallen from the hon. and gallant Member for Maidstone (Captain Aylmer). He hoped they were not to see in the attitude taken up by the Home Secretary anything like a break up in the Cabinet. They had heard a deal that night as to the differences in the Cabinet. With regard to the construction to be placed upon the words of the Prime Minister, the hon. and gallant Member for Maidstone came forward as an impartial witness. It was a pity that the Home Secretary had not thought it his duty to come down to the House at 9 o'clock, when other hon. Members were in their places—at any rate, it might have been expected from him that he would have made himself acquainted with the opinion of his official Chief. The right hon. and learned Gentleman, however, did not seem to think it necessary to make himself acquainted with the views of his Leader. It was too much—far-reaching in their sweep as the powers of the right hon. Gentleman might be—it was too much that the Home Secretary should usurp the functions of the Prime Minister. He (Mr. Healy) did not think that even the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) would be prepared to say that he would roll into one the functions of the Home Secretary and the Prime Minister. The Irish Members stood on the declaration of the Prime Minister, and they thought it of the utmost necessity that they should have the right hon. Gentleman's words in black and white—that they should have the independent reports of the newspapers, so that they might see what construction was to be placed upon the words which had been used, and what gloss had been put on them. To-morrow they would see in black and white, in type as conceived by the newspaper reporters, what the right hon. Gentleman had said; and then they would know, in all probability, whether there really was, as had been alleged so often, a serious schism in the Cabinet with regard to this Bill. It was rumoured, in a hundred shapes and forms, that the Cabinet were divided on this Bill; and what had occurred to-night was an admirable illustration of the truth of those rumours. They found the Home Secretary coming here at 2 o'clock in the morning and endeavouring to eat the words uttered by the Prime Minister at 9 o'clock in the evening. The Prime Minister's words were interpreted not only by the Irish Members, but by the hon. and gallant Member for Maidstone (Captain Aylmer), and by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket), in a sense entirely opposite to the view taken of them by the Home Secretary. They had all these people backing up the Prime Minister, and then they had the Home Secretary, with his grandiloquent announcement, with his full-blown emphasis, declaring that the Prime Minister did not mean what he had said.

Mr. GEORGE RUSSELL said, he fully concurred in the desirability of having those portentous words of the Prime Minister put into black and white. A great many hon. Members on the Ministerial side of the House had made up their minds as to what action they would take with regard to them; and he should not be doing justice to his own strong conviction if he did not express, as clearly as he could, the astonishment and dismay with which, at an earlier hour, he had heard the statement of the right hon. Gentleman the Prime Minister as to the concession he proposed to make. It was, as he (Mr. G. Russell) was perfectly well aware, a matter of serious responsibility for a single Member of that House to separate himself, even for a moment, from a proposition made by the Head of the Government and recommended by the Viceroy of Ireland and the Chief Secretary. But much more weight was to be attached to the opinion of the right hon. and learned Home Secretary, who had charge of the conduct of this Bill; and, in spite of the consensus of authority recommending the concession which had been referred to, it was a matter of very serious regret to some of them that such concession should have been made. He was not, at that hour of the night, going to enter into any discussion as to the reasons which had led them to regard this clause with reference to the right of search as the very core and kernel of the Bill. They had evidence all around them of the sporadic character of the maladies which this measure was intended to grapple with, and of these maladies having developed in the profoundest secrecy. It seemed to many of them that the right of search contained in the Bill was the right and the power that would do more than any other provision of the measure to cope with these secret machinations of crime; and it was, therefore, a matter of astonishment and most profound regret to them to hear that any concession, however slight, was to be made on these clauses conferring the right of search. They had heard, however, that the Prime Minister's words were not to be interpreted as offering a concession. On the other hand, it was said—and he had taken down the hon. Member's words—that 80 or 90 per cent of the clause had been conceded. That was surely a very alarming announcement from an Irish Member, and if that opinion was universally entertained by the Irish Members—and those Gentlemen, no doubt, were most competent to form an opinion upon it—it seemed to him (Mr. G. Russell) that the concession already stood condemned. He would not enter into the reasons which had induced himself, and those who believed as he did, to give their most cordial support to this clause in its entirety; but he could not refrain from expressing a hope that the moment was not far distant when Her Majesty's Government, having regard to the transactions of this evening, would learn that every act of concession to Irish disloyalty—and he did not say that concession in the interests of justice and mercy were not necessary, but every unnecessary concession—was the signal for a fresh outbreak of systematic and insolent obstruction in the House, and, too often, of outrageous crime out-of-doors.

Mr. H. SAMUELSON said, he should be glad when hon. Members would be able to see the actual words of the right hon. Gentleman at the head of Her Majesty's Government in print. It was perfectly clear to his mind that the hon. Member for Wexford (Mr. Healy) could not have placed the construction it was said he had placed upon the words of the Premier. [Mr. Healy: Yes; I did.] The hon. Member seemed to be positive, so positive that he could not believe his (Mr. Samuelson's) statement; but he would give his reason for what he had said. The hon. Member had stated, immediately after the Premier's speech, that if he was right in the construction he put upon the words which had fallen from the Prime Minister, he would not support a single Amendment to the clause; that he would urge his hon. Friends to withdraw their Amendments, and that he would go into the opposite Lobby to any hon. Member who opposed the section; and yet the hon. Member had voted for almost, if not quite, every Amendment, and he had been, perhaps, the most prominent opponent of the clause. The hon. Member had thus proved, by his own action, that he, at any rate, did not attach to the Prime Minister's words the important meaning which it was now sought to give them. If the hon. Member for Wexford thought that the Premier's words bore that meaning, what confidence could they, for the future, place in any promise of the hon. Member?

Mr. PARNELL said, the right hon. and learned Gentleman the Home Secretary had repudiated the words which the right hon. Gentleman the Prime Minister had uttered in his absence.

Sir WILLIAM HARCOURT said, he had not repudiated what the Prime Minister had said at any time. It would be most unbecoming in him to do such a thing. What he did repudiate was the interpretation which the hon. Member for Wexford (Mr. Healy) had put upon the words of the right hon. Gentleman, or the interpretation which the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket) had said the hon. Member for Wexford (Mr. Healy) had placed upon the words of the Prime Minister.

Mr. PARNELL said, it would be desirable for him to inform the Home Secretary what had taken place in his (Sir William Harcourt's) absence. When the Prime Minister, at the commencement of the proceedings this evening on the subject of this clause, took occasion to describe the effect of the sub-section which he proposed should be introduced into the clause on Report, in order that there should be no misapprehension or misunderstanding as to what that sub-section was, he (Mr. Parnell) had taken the precaution to ask the right hon. Gentleman whether it would provide certain things, and the Prime Minister replied that it would. He would repeat to the Home Secretary the question he had put to the Prime Minister. He had asked whether they were to understand that the sub-section he proposed to produce on Report would provide that there should be no night search unless there was a suspicion that there was a secret society or a secret association actually sitting or carrying on its proceedings on the premises searched, and that when it was found that no such secret society, or secret association, was at the time carrying on its business, there should be no search? The right hon. Gentleman the Prime Minister had said that the sub-section he proposed to introduce would be to that effect. And now, with regard to this Motion to report Progress, he (Mr. Parnell) wished to say he really thought the Home Secretary had been standing in the way of the progress of the Bill. There had been no Amendments proposed to-night except those which had been of a very reasonable character. The Amendment they had just divided upon was an Amendment of a most reasonable character; and to show the way in which the Home Secretary met them, he would remind the Committee that he had stated that under the English Acts—he thought the right hon. and learned Gentleman had mentioned the Explosives Act—no provision was made for reports from policemen to their superior officers in cases of suspicion. The right hon. and learned Gentleman had said that the reports the police were to make were merely matters of discipline, and were regulated by the police authorities, and not by Act of Parliament. However, he (Mr. Parnell) found, under the Explosives Act, 28 *Vict.*, c. 17—he believed at Section 73—that—

> "Where a search is made without the authority of a warrant, if the entry be by an officer specially authorized by written authority other than a warrant, a report of such proceedings shall be forthwith sent to the Secretary of State."

Sir WILLIAM HARCOURT: That is the case of a warrant.

Mr. PARNELL said, it was the case of a warrant authorizing search, not in a particular instance, but in a whole district.

Mr. O'KELLY: A general warrant.

Mr. PARNELL said, it was a general statement. In the case of the Explosives Act it was left to the Constabulary authorities to say where a report should be made, and where it should not be made. In the Act he referred to there was a provision compelling a report not only to the Central Constabulary authority, which hon. Members asked for under this clause, but to the right hon. and learned Gentleman the Home Secretary himself.

Motion *agreed to*.

Committee report Progress; to sit again *To-morrow*.

VAGRANCY (*re-committed*) BILL—[BILL 199.]
(*Mr. Pell*, *Mr. John Talbot*, *Mr. Bryce*, *Mr. Cropper*, *Mr. John Hollond*.)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (Discharge of paupers).

MR. J. G. TALBOT said, he had two Amendments to move, both framed with the same intention—namely, to strengthen the provisions which this Bill contained. In regard to both Amendments he might say that he regretted very much that, owing to the treatment which this Bill had received at the hands of the President of the Local Government Board, its original strength had been very much diminished. The Bill originally established something like a general principle upon which vagrancy could be treated, and, as he thought, established a great improvement on the present unsatisfactory system. To comment now upon that circumstance was like crying over spilt milk; but he thought he might yet try to make this clause more operative than it was in its present form. He therefore proposed, in his first Amendment, to declare that a casual should not be entitled to his discharge until the third day, his intention being to provide that a casual might be obliged to spend two whole days in the workhouse. He supposed one of the objects of the Bill was to deter vagrants from preying on the community, and if that was to be done thoroughly, it would be better to indicate that such men should remain for a substantial time in the workhouse; and he thought the way to administer a wholesome check to them was to say that they could not enter a workhouse, and simply stay at their own pleasure, on the way from one place to another, but should be detained for a substantial time. That was the object of his first Amendment, and he hoped the Government would accept it.

Amendment proposed, in page 1, line 16, leave out "second," and insert "third."—(*Mr. J. G. Talbot.*)

Question proposed, "That the word 'second' stand part of the Clause."

MR. DODSON said, he must object to the Amendment, because he did not think it desirable to give so wide a discretion to compulsorily detain a vagrant, and practically sentence him to hard labour, for the effect of that would be to deter vagrants from going into workhouses, and would give them an excuse for appealing to humanitarians for relief on the ground of the stringency with which they were treated in the Poor Law Unions. By the Bill, as it stood, a longer period of detention was secured by providing that vagrants might not discharge themselves until the second day, and that Sunday should not for this purpose be reckoned as a day. He could not accept the first Amendment of the hon. Member; but he should have no objection to accepting the second Amendment. He should be glad if the hon. Member could agree to that arrangement.

MR. WHITLEY said, the Guardians in his own neighbourhood had no objection to the Bill, if it was clear that they had the power to discharge casuals within the limit of the Bill at their discretion.

MR. DODSON said, the provision was that a casual should not be able to discharge himself.

MR. J. G. TALBOT said, that after what had been stated he should not divide the Committee, but should be content with what he could get.

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 1, line 19, to leave out "two occasions," and insert "one occasion."—(*Mr. J. G. Talbot.*)

Amendment *agreed to*.

MR. BRINTON said, he begged to propose an Amendment, to leave out "fourth" and insert "fifth" in line 21 of the clause. He thought it desirable to provide that a persistent vagrant might be removed from the casual ward to the workhouse, and that there might be sufficient time given for such a vagrant to pass under the review of the Visiting Guardians; and that the master of a workhouse might be able to detain a persistent or professional vagrant, and oblige him to go to the workhouse and perform such work as other paupers did. Twenty-four hours, he thought, would be sufficient time to enable Guardians to make arrangements for a casual to be transferred. The object, after all, was to try to distinguish between persons who were going about the country as vagrants and merely poor people.

Amendment proposed, in page 1, line 21, leave out "fourth," and insert "fifth."—(*Mr. Brinton.*)

Question proposed, "That the word 'fourth' stand part of the Clause."

Mr. DODSON said, he would not object to the Amendment proposed.

Question put, and *negatived.*

Mr. J. HOLLOND said, he had an Amendment for the purpose of enabling the Governor of a workhouse to discharge paupers before 9 o'clock in the morning, but not before 6. The clause provided that a casual would not be entitled to discharge himself before 9 in the morning; and there were many cases in which, owing to the nature of the work in the neighbourhood, it was desirable that casuals should be discharged before 9 o'clock.

Amendment proposed,

At the end of the Clause add the following Proviso:—"Nothing in this section shall prevent the Guardians of any parish or Union authorizing the discharge of any casual before 9 a.m., but not before 6 a.m., if in their discretion they think it advisable to do so."—(*Mr. J. Hollond.*)

Question proposed, "That those words be there added."

Mr. DODSON said, he thought the hon. Member had failed to appreciate the character of the clause. The effect of the clause was that a pauper should not be entitled to discharge himself, but the Guardians could discharge him at any time they pleased; and the effect of the Amendment would be to restrict their authority instead of enlarging it.

Mr. J. HOLLOND said, he admitted that that was the effect of the clause; but he imagined that, under an Order made by the Local Government Board in 1871, Guardians would not be able to discharge a pauper except within the time prescribed by the Act; but he would not press his Amendment.

Amendment, by leave, *withdrawn.*

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

Mr. PELL said, this clause materially altered the principle of the Bill; and although he was given to understand that, both in London and in several parts of the country, the Bill, as amended in Committee, was considered likely to effect some reform in the present system, there were many who regretted that the attempt made in the original clause to put these unhappy casuals more on the footing of ordinary paupers had failed. Still, as this clause promised to do some good, he had nothing more to say against its being inserted in the Bill.

Mr. BRINTON said, he cordially agreed with the observations of the hon. Member, and deeply regretted that in the amended Bill the pith of the original Bill was left out—namely, that if casuals should be found travelling about from place to place, they should not discharge themselves until they had appeared before the Visiting Guardians.

Question put, and *agreed to.*

Clauses 5 and 6 *agreed to.*

Mr. J. HOLLOND said, he begged to move the insertion of a new clause, with the object of facilitating the passage of casual paupers from the casual ward to the workhouse. He had been informed by the clerk to one of the Boards of Guardians that in one case he had remonstrated with a woman for travelling from ward to ward; and her answer was that she could not get into a workhouse, but was passed on from one casual ward to another. One reason for such cases as that was, he believed, that relieving officers were unwilling to admit casuals into workhouses because they had no power to detain them, for a casual admitted one night might leave the next morning of his own accord. According to his clause any casual, desiring to be admitted from the casual ward to the workhouse, would be enabled to be so admitted; but, in return, he would have to consent not to discharge himself till he had seen the Board of Guardians. He hoped the Committee would accept the clause.

Amendment proposed, after Clause 4, insert the following New Clause:—

(Admission from casual ward into workhouse.)

"Upon the application of any casual pauper to be admitted into the workhouse from the casual ward, the guardians may, except in cases of illness, require as a condition of such admission that the pauper shall not discharge himself without reasonable notice, and reasonable notice shall not be deemed to have been given until the pauper has appeared before the board of guardians or the visiting committee of the Board: Provided, That during the intervals between the meetings of the board or visiting committee, any officer of the workhouse duly authorized by the board of guardians for the purpose may exempt any pauper either wholly or partially from the operation of this section."—(*Mr. J. Hollond.*)

Clause *brought up,* and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

Mr. DODSON said, he was sorry that he could not agree to this clause. The argument of the hon. Member in favour of this clause had been in part met by the Amendments agreed to in Clause 4, which provided that when a casual came on a second occasion to the same ward he might be detained until a more distant day. If such arbitrary power as the Amendment proposed was placed in the hands of workhouse officials, it would lead to an objectionable diversity of treatment, and might practically mean 14 days' hard labour. He was sorry to find himself differing from his hon. Friend, who had studied this question so carefully; but he could not assent to the Amendment.

Mr. J. G. TALBOT said, if the hon. Member divided he should support him, and he thought the right hon. Gentleman had fallen into an error in thinking that this was an obligatory power; it was a permissive power; but he should say that, where the evils of vagrancy were felt, and an effort could be made to check it, the Guardians would bring this clause into operation. He thought the words "hard labour," used by the right hon. Gentleman, were rather exaggerated, for the work imposed on paupers would not be so hard as the work done every day by ordinary agricultural labourers, while they would receive the ordinary workhouse fare. Therefore, he did not think there would be a penal kind of treatment, and that the clause would be a very useful provision where vagrancy was on the increase.

Question put.

The Committee *divided:*—Ayes 13; Noes 37: Majority 24.—(Div. List, No. 164.)

Bill *reported;* as amended, to be considered *To-morrow.*

House adjourned at half after Two o'clock.

HOUSE OF COMMONS,

Wednesday, 21*st June,* 1882.

MINUTES.]—Public Bills—*Ordered—First Reading*—Labourers' Cottages and Allotments (Ireland) * [212].

Second Reading—Baths and Washhouses Acts Amendment * [201].

Second Reading—Referred to Select Committee—Dublin City (Highways) * [88].

Select Committee — Report — Bills of Exchange [No. 244].

Committee—Prevention of Crime (Ireland) [157] —R.P. [*Sixteenth Night*].

Considered as amended—Local Government Provisional Orders (No. 5) * [160]; Vagrancy * [199].

ORDER OF THE DAY.

PREVENTION OF CRIME (IRELAND) BILL.—[Bill 157.]

(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 20th June.*]

[SIXTEENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PART III.

General Powers.

Clause 11 (Searches for arms and illegal documents).

Mr. R. POWER, who had an Amendment on the Paper, in page 6, line 21, after "time," to insert "except between sunset and sunrise," said, that after the statement made by the Prime Minister on the previous night, he would not propose that Amendment; but would proceed to move the next which appeared in his name—namely, in page 6, line 21, leave out "three," and insert "one." The clause would then run—"Any inspector or sub-inspector so authorized by the warrant may, at any time within one month," at any place within the proclaimed district, seize, detain, and carry away arms, ammunition, papers, &c., which he might find; and enter any house, building, or place, by force, if necessary, in order to execute the warrant. He hoped the Government would see their way to be able to accept this very reasonable Amendment. It must be remembered that the Committee had already granted the right of a general warrant, and he found that by the Act of 1875 a general warrant was only granted and used in special cases. If the Chief Secretary said it was necessary for a policeman to arrest any particular individual, a special warrant could soon be obtained; but no policeman would be able to enter the houses of the people unless he had a warrant. If the Constabulary considered it necessary to enter a particular house, having received information that illegal property was concealed there, they would only have to telegraph to Dublin, and they would receive a warrant in 24 hours. What he maintained was that a policeman had no right to go about the country with a warrant in his pocket for three months. Under the Act of 1875 a warrant only lasted for three weeks; and, under another Act, only for 10 days. Under the present Bill it was to be three months, and he hoped the Government would accept this reasonable Amendment to curtail the period to one month, which, in his opinion, was quite sufficient.

Amendment proposed,

In page 6, line 21, to leave out the word "three," and insert the word "one."—(*Mr. Richard Power.*)

Question proposed, "That the word 'three' stand part of the Clause."

MR. TREVELYAN said, he was very sorry on the part of the Government that he should be obliged to refuse an Amendment which had been moved by the hon. Member in such moderate tones. But, whatever view might be taken of the clause in general, the first two lines of the 1st sub-section and the whole of the 2nd sub-section were, in the opinion of the Government, absolutely essential and vital to the Bill. It was quite true that under the amended Peace Preservation Act of 1875 the period for warrants was reduced to three weeks; but by the Peace Preservation Act of 1870 the period was three months, and the warrant was, practically speaking, a general one. In those circumstances, the power to search for arms was extremely effective. Under the Act of 1875 it was less effective, and under the Act of 1881 the power had not been at all as practically useful as the Government could wish. It was absolutely necessary, in the present state of Ireland, that the Government should keep these provisions of the clause exactly as they were laid down in the Bill; and under no circumstance whatever could they think of altering them. He would mention one fact, which showed that no concession on this point could be made. It was of the utmost importance that the search should be made practicable immediately after the commission of an outrage. Every day and hour that were lost were of the greatest importance, and could never be recovered. Outrages took place in disturbed districts, which districts would be naturally proclaimed, and should be placed under this power of search-warrant; and if a warrant for search could only run for one month, and had to be continually renewed, pressure would be put upon the Central Government not to renew it. A district which was subjected to outrage and disturbance should be continually liable to search under a warrant as long as the state of disturbance and suspicion continued. On that point it was quite impossible for the Government to give way.

MR. HEALY said, he thought his hon. Friend the Member for Waterford (Mr. R. Power) had not done harm in eliciting from the Government the statement which the right hon. Gentleman had just made; but he must confess that, as far as his own opinions were concerned, he did not depart from what he had stated yesterday—namely, that in his view, under the limitations indicated by the Prime Minister, the clause would neither do much good nor much harm. He had said so yesterday; and, so far as he was concerned, he had moved no Amendment last night, and had taken very little part in the discussion. If the Government continued to maintain the position that was taken up by the Prime Minister yesterday, he would advise his hon. Friend not to press the Amendment. There were two or three other Amendments down upon the Paper of a very reasonable character, which he hoped would commend themselves to the serious attention of the Government; and, as far as the provision was concerned of making the warrant run for one month instead of three, he trusted the Government, on reconsideration, would see that really the matter did not amount to a very great deal. As soon as the Sub-Inspector got the warrant he would probably put it in force at once, because no man would be likely to keep suspected articles in his house; and, of course, nobody except the Government officials in Ireland would be so silly as to believe, when the searches were carried out, that they would find anything. As soon as the warrants were known to be issued, every man who might have had suspected articles in his possession would get rid of them; and the Government officials, on entering a house, would find nothing that would justify them in making a search. He would ask the Chief Secretary if the Government had any objection to inform Parliament periodically, by means of a Return, as to the number of searches carried out, and the amount of arms and ammunition seized when searches were made; and also, how many of these warrants had been issued? This was not, he thought, an unreasonable demand. He did not ask for details; but that at the close of the Session, or every three months, the Government should inform the House of Commons, by means of a Return, how many of these warrants had been issued, and with what result. He thought the three points of his demand were extremely reasonable. His objection to the clause had been grounded very much upon a night-search, which, he thought, could only be intended to harass and irritate the people. If the Prime Minister maintained the limitations he had indicated last night, although they had since been contradicted by one of his Colleagues, he (Mr. Healy) thought his hon. Friend the Member for Waterford (Mr. R. Power) would do well not to press the Amendment. If Returns were given, it would be sufficient to say that on such and such a day a search had been made, and what the result had been.

Mr. TREVELYAN said, the Government had no objection to consider the question of giving Parliament a Return of the number of warrants issued. Warrants were public instruments on so very large a scale that nothing could be said against the submitting a Return of them to Parliament. But the Government would not be prepared to give Parliament information as to the number of searches made, or of the result of those searches. All they could do was to place on the Table a Return of the warrants issued.

Mr. HEALY said, he was not asking for a detailed Return of arms, ammunition, or papers discovered; but he thought there could be no objection on the part of the Government to say—"Result, nil;" or "result, fruitful."

Mr. TREVELYAN: No; the Government could not supply a Return of that kind.

Mr. HEALY said, he thought it was a point the Irish Members had a reasonable right to press, and for this reason—that when the subject came up for discussion, Parliament should have some information as to whether the provision had been effective or not. He scarcely knew at present whether the Government intended to retain the provision of the Act of last year, or whether they intended to issue warrants under both Acts—that of last year and the present one.

Sir WILLIAM HARCOURT remarked, that in reference to these Returns, it would always be in the power of any hon. Member to move for a Return to be laid before Parliament if he desired to do so. Therefore, it was not necessary to deal with that matter at present. With regard to the question of the hon. Member as to retaining the power to issue warrants under the Act of last Session, he might say that it was intended to retain the powers given both by the Act of last Session and of this.

Mr. HEALY said, that was not exactly the point. Would warrants be issued under the Act of last Session?

SIR WILLIAM HARCOURT said, he would tell the hon. Member why. The object of this clause was to deal with secret societies; whereas the Act of last Session was a general one. It was not intended in any way to supersede the Act of last Session by the present measure.

MR. HEALY said, his point was simply this—and it had not been answered by the right hon. and learned Gentleman at all—the Government had taken power to issue night and day-warrants. Would they issue both descriptions of warrant in future? Would they still continue to issue the warrants authorized to be issued under the Act of last year?

THE CHAIRMAN requested the hon. Member to confine himself to the Amendment before the Committee, which was simply whether the warrant should be for one month or for three.

MR. SEXTON said, the remarks of the right hon. and learned Gentleman the Home Secretary, in reply to the reasonable request of his hon. Friend the Member for Wexford (Mr. Healy), were not very consoling. The right hon. and learned Gentleman said it would be open for his hon. Friend to make a Motion for Returns. That was a mere quibble. Of course, it was open for any hon. Member to move for Returns. It was as much as to say that it was open to a child to cry for the Moon. Every one knew that such a Motion would only be voted down by the Government. He very much regretted the indisposition of the Government to give information in reference to the operation of the clause. With reference to the duration of the general warrants, he had hoped that the period of one month would be deemed by the Government quite sufficient for any purpose. As the Chief Secretary had informed them, there were in every county 10 or 12 Sub-Inspectors, under whose supervision the clause would be carried into operation. That was an exceedingly small area, and in the course of a month any Sub-Inspector would be able to sweep the district perfectly clean of concealed arms. The clause, therefore, could answer no useful purpose at all, and would merely enable the police to harass persons against whom they happened to have a dislike. Were the Sub-Inspectors to examine every house in a district, or only those which were suspected? When the right hon. and learned Gentleman was in a less belligerent frame of mind last year, he said he would split the difference and accept a fortnight or 10 days. If the general warrant authorized under the Act of last year was sufficiently operative by having 10 days for execution, why should the Government require three months, or even a month, now? Instead of being satisfied with 10 days, they were now asking for 30, or a period that was nine times as long. He hoped that his hon. Friend would press the Amendment, because he certainly felt that so grave a power should be limited as far as possible.

MR. O'KELLY wished to point out that in any special case, the warrant, even if limited in its duration for a month, could be renewed by the Executive at any moment they chose. There was nothing to prevent them from doing that, and he failed to see what necessity there was for conferring upon them any wider power than that proposed by the Amendment. If there was reason to believe that arms or papers were concealed, the Government could renew a warrant or issue a new one whenever they pleased in any proclaimed district. There was, consequently, no necessity whatever to take a power in this clause for extending the warrant over a period of three months, although he could easily imagine how the existence of the warrant for such a period might be injurious to the interests and reputation of the person against whom it was issued.

MR. JOSEPH COWEN presumed that the warrant would not be a general one, but that it would specify the distinct locality to which it applied.

MR. LEAMY said, the Chief Secretary had given as one of the reasons why he could not accept the Amendment of his hon. Friend the Member for Waterford (Mr. R. Power), and why he thought the warrant should extend over three months, that he was afraid pressure might be brought to bear upon the Executive Government not to renew it. Were the Irish Members to understand that a Liberal Chief Secretary would object to the people of Ireland bringing pressure to bear upon the Government not to carry out a harsh and severe law with the most extreme rigour? Was the warrant to be given for three months, so that the people might absolutely despair of being able to influence the Government? If the Government objected to such pressure as that, he did not see what form of Constitutional agitation was left to the Irish Party. He was quite at a loss to understand upon what ground the Amendment should be so persistently refused. Suppose that in the last week of the month the authorities considered it desirable to renew the warrant for another month, what was there to prevent them from doing so? Surely, if such a case arose, the Castle officials in Dublin could renew it precisely on the same ground as that on which they had granted it in the first instance. He could understand the refusal of the Government, if, after a warrant had been running for one or three months in a proclaimed district, it was proposed that no other warrant should be granted; but it was distinctly provided in the clause that—

> "It shall be lawful for the Lord Lieutenant from time to time by warrant to direct the inspectors and sub-inspectors of constabulary for the time being acting in any constabulary district, or any of them, to search for and seize in any proclaimed district, specified in the warrant," and so on.

He could not understand, therefore, why the Amendment was not accepted.

Mr. CALLAN said, he was not in the House when the right hon. Gentleman the Chief Secretary made the statement that if the warrant were limited to a month, pressure might be brought to bear on the Executive Government in Ireland not to renew the warrant. He (Mr. Callan) was not aware of any part of the clause in which it was provided that there should be any notification or publicity given to the issue of the warrant. On the contrary, he was led to believe that when a warrant was issued by the Lord Lieutenant, the issue of that warrant was to be kept secret until it was actually executed. He presumed that the fact of a warrant having been granted was not to be made public, as such a step would simply defame a person's character, and it might be thrown in the face of a respectable farmer—"Oh, there is a warrant out for a search of your house. You had better take care." If the Lord Lieutenant wished to have a warrant, he was bound, as a matter of common honesty, to keep the matter secret, for two motives—first, that he might not give a warning to the presumed delinquent; and next, that the warrant in the hands of the police should not be used as a means of defaming a man's character. What pressure, therefore, could be brought to bear upon the central authority not to renew the warrant, whether it was granted for one, two, or three months? He failed to see what right a warrant had to be in existence for three months. He presumed that the Lord Lieutenant would not issue a warrant except on representations actually made to him; and his own opinion was, that it should be on sworn information that the person making the representations had reasonable grounds for the belief that some of the articles referred to in the clause were concealed in the house of the individual against whom a warrant was applied for. Then, why should the warrant be for three months in the hands of the Inspector or Sub-Inspector? Was it likely that the suspected person would keep arms and ammunition in his house for three months after a search had been made? Were the warrants to be executed in suppositious cases, and not upon direct information? There was no part of Ireland which was more than two days away from the City of Dublin by return post, and a fresh warrant might at any time be telegraphed for and immediately obtained. Why, then, should it be asked for for three months? The fact was, that this was only one more instance of the intolerant, overbearing, and coercive policy of an unprincipled Administration.

Mr. BIGGAR said, it seemed to him that the principal object of Her Majesty's Government was not the suppression of outrage and secret societies, but to oppress persons who were perfectly innocent. The power which it was proposed to put in the hands of the police was one of a most mischievous character, because, in point of fact, it meant that the Lord Lieutenant was to give authority to the Sub-Inspectors of police, for three full months, to do practically what they liked in regard to searching people's houses. He thought it was of the utmost importance that the Government should have some control over their subordinates, and that no renewal of the powers should be given to the Inspectors for a longer period than one month. As yet no one knew what would be the effect of passing such a clause, either in putting down outrage, or in detecting concealed arms that were intended to be used for any treasonable or malicious purpose. What had been the result of the operation of the Act passed last year? A number of useless arms which were in the possession of the people, but which had never been intended to be used, were given up. Those who wished to use arms for the purpose of outrage would take very good care that they were not discovered. There was an illustration of this in the case of the town of Ballina. In that town the Sub-Inspector, a very officious gentleman, obtained authority from the Lord Lieutenant to search for arms, and he searched the places of business of various tradespeople, with the result that might readily be expected—that no arms were found. The same thing would occur under the present clause. It would only give power to irresponsible persons to interfere with and annoy innocent people. The right hon. Gentleman had talked of crape masks and similar articles; but surely the right hon. Gentleman knew, as everyone else did, that such things were of a portable nature, and could readily be concealed without fear of detection, and, as no one would be found using them, no punishment could be inflicted. His own opinion was that the Government desired to occupy as much time as possible over the Bill when they protested against Amendments of so moderate and so reasonable a nature. If the Government would consent to accept reasonable Amendments, their Bill would be passed with much greater facility, and in the end it would be quite as effective for the detection and punishment of crime in Ireland in one way as the other. In point of fact, the Irish Members knew very well that that was not the object with which it had been introduced, but that it was simply to be used as an engine for carrying on Party warfare.

Question put.

The Committee *divided*:—Ayes 98; Noes 31: Majority 67.—(Div. List, No. 165.)

MR. PARNELL said, he proposed to move the Amendment which stood on the Paper in the name of his hon. Friend the Member for Waterford (Mr. R. Power)—namely, in line 21, after the word "warrant," to insert "at any hour within sunrise and sunset." The clause, as it stood, gave power to the Lord Lieutenant—

> "From time to time by warrant to direct the inspectors and sub-inspectors of constabulary for the time being, acting in any constabulary district, or any of them, to search for and seize in any proclaimed district, or in any part thereof, specified in the warrant, all or any of the following articles; that is to say, any arms, ammunition, papers, documents, instruments, or articles suspected to be used or to be intended to be used for the purpose of or in connection with any secret society or secret association existing for criminal purposes."

The clause, as it stood, permitted this to be done at any hour of the day or night; but last evening the Prime Minister informed the Committee that he proposed to limit the right of search, as regarded arms, ammunition, papers, documents, &c., to the daytime, and stated that, on the Report, a sub-section would be brought up to provide that the Lord Lieutenant should have power to direct that the police might make searches at night for the limited purpose of ascertaining whether there were any illegal and secret meetings going on; that this extensive power of search was to be strictly limited to that purpose, and that a house having been searched, and it having been ascertained that no secret meeting was being held on the premises searched, the search should then cease. It was also stated by the Prime Minister that the operation of the clause, so far as regarded a search for "arms, ammunition, papers, documents, instruments, or articles," should be limited to the daytime. He wished to point out to the Committee that the clause, as it stood now, had reference only to searches for "arms, ammunition, papers, documents, instruments, or articles," and had no reference to the further requirement of searching in order to ascertain whether a secret or illegal meeting was being held on the premises, except so far as arms, ammunition, &c., might be used in connection with a secret society or a secret association. He thought, therefore, that this would be the proper time to insert the Amendment. A limitation was to be placed on the clause in the direction promised by the Prime Minister last night, and he thought the Committee would agree with him that this was the proper time to do it. It was quite true that there was a further object which the Prime Minister desired to effect—namely, to give authority to the Lord Lieutenant to search by night for illegal and secret meetings. This was proposed to be provided for by a sub-section which they had not yet on the Paper, and which they understood had not yet been drafted. All he asked, therefore, in view of what happened yesterday evening, was that the statement of the Prime Minister and the object of this clause should be made perfectly clear at that stage of the Committee.

Amendment proposed,

In page 6, line 21, after the word "warrant," to insert the words "at any hour within sunrise and sunset."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, he quite understood the way in which the hon. Member for the City of Cork (Mr. Parnell) put the matter; but he (Sir William Harcourt) had had an opportunity of communicating with his right hon. Friend the Prime Minister, who was obliged to be absent at that moment, owing to the pressure of Public Business, and the view taken by his right hon. Friend of the matter, and the one which his right hon. Friend had taken throughout, was that no alteration in this respect in regard to night-search was to be made at this stage of the Bill. Whatever modification of the clause that was to be made would be made upon an Amendment to be introduced on the Report. In his (Sir William Harcourt's) opinion, that would be the proper time on which to discuss the nature of the Amendment and its effect, and he therefore thought it would only be wasting the time of the Committee to enter into any discussion of the matter at the present stage of the Bill. That was not only his own view of the matter, but it was distinctly the view of the matter taken by the Prime Minister, and therefore he hoped that the Amendment would not be further pressed, but that the consideration of the question would be postponed until the Report.

Mr. SEXTON remarked, that the right hon. and learned Gentleman the Home Secretary had very carefully confined himself to a literal view of the question raised by the hon. Member for the City of Cork (Mr. Parnell). He (Mr. Sexton), therefore, arose for the purpose of putting a plain question to the right hon. and learned Gentleman. The Prime Minister had expressed himself so clearly upon the question that he had thought no further discussion necessary, and he had been disposed to look upon the Amendment of his hon. Friend as superfluous. But the circumstances showed that the precaution taken by his hon. Friend was by no means superfluous, because it now appeared that the Government were going to drop the question of that important Amendment for their own convenience, and leave it entirely till the Report. The assurance given by the Prime Minister yesterday was that searches by day might be made for arms, ammunition, and papers, but that the night-searches should be confined to secret and illegal meetings. They now found from other Members sitting on the Treasury Bench that the promise of the right hon. Gentleman the Prime Minister had been made disingenuously. The natural position of the Amendment was this. The Home Secretary thought last night, and led the Committee to believe, that the interpretation placed on the Prime Minister's words was not true. The right hon. and learned Gentleman did not condescend to say what the true interpretation was, and at the present moment it was a question depending between the Irish Representatives and the right hon. and learned Gentleman as to the meaning of the Prime Minister's words. Without conveying any assurance as to whether the clause would be used for carrying out searches for arms in the daytime, and for secret meetings at night, the right hon. and learned Gentleman now wished them to drop the discussion. In the absence of any statement as to what was to be done, he could not consent to take that course. There was a very important question depending upon the meaning to be attached to the words of the Prime Minister. There was clearly a contradiction between the Prime Minister and the Home Secretary, and hon. Members on that side of the House wanted to know what was the meaning that was now attached to the words of the Prime Minister, and whether the present clause was to be limited to day-searches for arms, ammunition, papers, documents, and other articles expressed in the first part of the clause, and not extended to searches in the night-time, or, as expressed in the 8th clause, "after sunset and before sunrise." He (Mr. Sexton) did not think it would be wise to give up the opportunity of discussing the question with the Chairman in the Chair. He (Mr. Sexton) and his Friends certainly could not walk into the trap so cunningly laid for them by the Home Secretary.

SIR WILLIAM HARCOURT wished to draw the attention of the Committee to the remarkable course which had been pursued in this matter. When the Committee commenced that day, the first Amendment on the Paper was an Amendment in the name of the hon. Member for Waterford (Mr. R. Power), who was supposed to occupy a responsible position on the Benches below the Gangway, in the very same words as that which was now moved by the hon. Member for the City of Cork (Mr. Parnell). But the hon. Member for Waterford (Mr. R. Power) got up and said that, after what had passed last night, he did not think it would be proper to proceed with that Amendment, but that the matter should be allowed to stand over until the Amendments of the Government were moved. But what happened? An hour elapsed, and an Amendment identically the same as that which had been withdrawn by the hon. Member for Waterford, in the presence of most hon. Members now present, was proposed by the hon. Member for the City of Cork. It would be absolutely impossible to make progress with the Bill if this course was to be pursued.

MR. HEALY said, the whole matter admitted of a simple explanation, and certainly what had occurred was scarcely creditable to Her Majesty's Government. His hon. Friend the Member for Waterford (Mr. R. Power) got up, at the commencement of the Sitting, and said that, after the undertaking given last night by the Prime Minister, he would not proceed with his Amendment. But the Irish Members had not expected, after the Prime Minister withdrew last night, that the Home Secretary would have thrown his right hon. Colleague overboard altogether. They took the right hon. and learned Gentleman to mean that; but when his hon. Friend got up and asked whether the Government stood to their guns or not, no answer was returned at all, and they found that the Government desired that the whole thing should remain in a nebulous condition until the Report stage of the Bill. Therefore, the Government had only to thank themselves for all that had occurred since. The position they took up now was very different from that which they took up last night. As long as they had a clear understanding from the Government that they would maintain the meaning of the words of the Prime Minister, they were willing to let the clause pass. But what did they find now? After the statement of the Prime Minister had been made last night, he (Mr. Healy) left the Committee, and did not return for some hours. When he came in he found a wrangle going on as to the words which had been used by the Prime Minister, and, as the right hon. and learned Gentleman the Home Secretary had thrown his Chief overboard, what could they do but continue the discussion? He would read to the Committee the way in which the matter was reported in *The Times*, and it was similarly reported in *The Standard*:—

> "Mr. Gladstone declined to accept the Amendment, but wished to take that opportunity of stating that the Government had, on consideration, decided to limit the operation of the clause. When the time came they should propose to give the police power to search by night only when there was a reasonable suspicion that a secret or illegal society was holding a meeting."

The Home Secretary got up from the Treasury Bench last night, and, in answer to a demand from the right hon. and learned Gentleman the senior Member for the University of Dublin (Mr. Plunket), said that he could by no means accept the statement of his right hon. Colleague.

SIR WILLIAM HARCOURT: I said nothing of the kind, nor anything like it.

MR. HEALY said, he was glad if that were so. That was the interpretation which the Irish Members put upon the statement of the Home Secretary, and it was borne out by the cheers which rang forth from the Tory Benches.

SIR WILLIAM HARCOURT remarked, that, as the matter was of some importance, he must be allowed to say exactly what it was that he did say. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket) rose and stated that the hon. Member for Wexford (Mr. Healy) had put a certain interpretation upon the words of the Prime Minister. He

(Sir William Harcourt) at once said that he did not concur in that interpretation, if it had been accurately stated, and he was equally sure that the Prime Minister would not concur in it. Since then he had had an opportunity of speaking to the Prime Minister on the subject, and he had only to repeat that, if the representation given by the right hon. and learned Member for the University of Dublin last night as to the interpretation placed by the hon. Member for Wexford (Mr. Healy) upon the words of the Prime Minister was correct, then he did not concur with it, nor did the Prime Minister concur with it either.

Mr. HEALY said, that if that were really so, the whole thing was now put in a nutshell. He would read from *The Times* the statement which the right hon. and learned Gentleman was reported to have made—

"Sir W. Harcourt said. . . . . As to the construction which the right hon. and learned Gentleman opposite said the hon. Member for Wexford and others had placed on the statement of the Prime Minister, all he could say was that if they placed that construction upon it, he could not agree in that construction, and he felt sure that his right hon. Friend (the Prime Minister) would not concur in it either."

[*Ministerial cheers.*] He was delighted to hear those cheers. He presumed that the right hon. and learned Gentleman concurred in the accuracy of that report. He took it that the right hon. and learned Gentleman did so by his silence. He would now go on to see whether the Prime Minister had accepted his interpretation, and he would again quote from *The Times* report—

Sir WILLIAM HARCOURT here rose——but

Mr. HEALY said, he was in possession of the Committee, and he was entitled to finish his statement. He had already been interrupted twice, and he had given way to the right hon. and learned Gentleman; but he now claimed the right of continuing his remarks. He would again read from *The Times* report—

"Mr. Healy thought that if the Prime Minister would *bonâ fide* carry out what he had said as to the way in which a search for arms or documents should be conducted, the clause on the whole, should be agreed to. All that the clause asked was that the police should have power to search for arms or documents. If it was to be understood that on the occasion of a search, chimney-pieces were not to be pulled down, nor clothing to be torn, nor decent women to be compelled to get out of their beds in the presence of police-constables, and that, if nothing was found, the searchers would immediately retire, he would vote for the Government against every Amendment that might be proposed against this clause.—Mr. Gladstone said, if he understood rightly the observations of the hon. Member who had just spoken, he had placed a correct interpretation upon the concession of the Government. The credit of the concession was due to his noble Friend the Lord Lieutenant of Ireland, who had examined the whole question with no infallible judgment, but with a sincere desire that Government should only ask from Parliament for that which was absolutely necessary. He understood the concession as it was understood by the hon. Member opposite."

Now, that was only one portion of the report. He would take another to show exactly what transpired. They would see, again, in this portion of the report what really did occur. [*Cries of* "Order!"] Hon. Members opposite always called out "Order!" when the argument was going against themselves. Here they had another passage from the same debate, and it was made after the original statement of the Prime Minister—

"Mr. Healy agreed with the hon. and gallant Gentleman (Colonel Nolan) as to the importance of this concession. Would it be understood that the police, having made a search by night, and finding no illegal meeting, would withdraw from the premises?—Mr. Gladstone had no doubt that they would do so."

He might ask what was the use of language? They were told that language was given to statesmen to conceal their thoughts, and it certainly appeared to be so, because he found the Prime Minister making a distinct statement and agreeing with the interpretation which had been placed upon it by Members like himself (Mr. Healy), and then they found the Home Secretary getting up in all his majesty and throwing over his Chief. That was exactly what it amounted to. Did the Home Secretary agree in the interpretation which had been placed on the Prime Minister's words? Either he did, or he did not. If he did, there was no difference between the right hon. and learned Gentlemen and himself (Mr. Healy) and his Colleagues, and the right hon. and learned Gentleman must withdraw from the position he had taken up. The right hon. and learned Gentleman was prepared, a few moments ago, to rise for the purpose of interrupting him. He hoped the right hon. and learned Gentleman would get up now and give the Committee some reasonable explanation as to the extraordinary and two-fold position the Government were taking up on the matter.

Sir WILLIAM HARCOURT said, the Government took no two-fold position in the matter. But the hon. Gentleman would see that accuracy in the matter was essential. What he had said that he did not concur in, and what he had said his right hon. Friend the Prime Minister did not concur in, was the view taken by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket) as to the interpretation placed by the hon. Member for Wexford (Mr. Healy) on the words of the Prime Minister. It was to that statement he (Sir William Harcourt) had directed his observations. He had not directed them to anything the Prime Minister had said at all. He again repeated that he still maintained that position, and it was far better that the Prime Minister should state what he had said than that they should go on wrangling about what the Prime Minister did or did not say. The whole matter would be much more properly brought before the House on an Amendment of this clause upon the Report. The Prime Minister could then state the view he took of the question. He need not say that the Government were in entire accord upon the matter; but it was impossible to go into it then. He would not attempt to embark upon a discussion now in regard to what took place when he was not present. He therefore asked the Committee to proceed with the consideration of the clause, and to postpone the present discussion until the Report.

Mr. BORLASE said, the hon. Member for Wexford had stated that the whole question was comprised in a nutshell. It appeared to him (Mr. Borlase) that that was so, and therefore the best thing they could do was to go to a division on the Amendment of the hon. Member for the City of Cork (Mr. Parnell). Let that division be final, and let them hear no more of the question on the Report.

The CHAIRMAN: I must point out to the Committee that, although it is sometimes convenient for the progress of Business to have explanations when a misunderstanding has arisen, an answer having now been given by the Minister in charge of the Bill, the Committee should now return to the Amendments before them. The Committee cannot discuss an Amendment which is not before them. The proposal of the Prime Minister to bring up an Amendment to the clause on the Report is not before us, and we cannot discuss it.

Mr. PARNELL said, it was necessary for himself and his Colleagues to decide whether they were to press the Amendment or not, or to adopt the course recommended by the Home Secretary—namely, that the matter should be left over until the Report in order that a new sub-section might be introduced. The Committee had had several negative statements from the Home Secretary, and before they come to a conclusion upon a question of this sort it was very desirable to know what the mind of the Home Secretary was. What was his idea as to the shape in which the sub-section should stand? What was his idea of the nature of the limitation to be provided by a future sub-section? That was the difficulty at the present moment. He had heard the statement of the Prime Minister last night, and he had perfectly understood it; but the Home Secretary had steadily refused, up to the present moment, to tell them positively what his own mind was. He would be perfectly satisfied to leave the matter to the Report, if he could obtain from the Home Secretary, who was in charge of the Bill, a declaration that he adhered to the words of the Prime Minister last night. He thought that was a reasonable request for himself and his Colleagues to make. If the Home Secretary could see his way to state that he abided by the words of the Prime Minister, he (Mr. Parnell) would be quite willing to withdraw the Amendment and to leave the matter to be settled on the Report, otherwise he should feel compelled to ask the Committee to divide upon the Amendment.

Sir WILLIAM HARCOURT said, that hon. Members on the Benches below the Gangway on the opposite side of the House had made repeated attempts, the object of which it was obvious to see, to distinguish between one Member of the Government and another. He would make no declaration on the matter at all. It ought to be understood, and it must be understood in that House, that the whole Government, and every Member of the Government, was responsible for the conduct of this Bill by the mouth of whomsoever they might speak, whether it was the Head of the Government or a subordinate Member of the Government, and these attempts to distinguish between one Member of the Government and another were, in his opinion, entirely unfair and unworthy of the hon. Members by whom they were made. He would, therefore, be no party to any declaration on the subject. Of course, whatever was said in that House by the Prime Minister, by his right hon. Friend the Chief Secretary, by his hon. and learned Friend the Attorney General, or by himself, bound the Government, and the Government were responsible for it.

Mr. ARTHUR ARNOLD said, he thought the fair and courteous manner in which the Home Secretary had conducted this Bill through the House up to the present moment entitled him to make the remark he had just made to the Committee. In regard to these clauses, he (Mr. Arthur Arnold) had been disposed to give Her Majesty's Government some support, at all events, because he felt they were clauses above all others in connection with the Bill which the Government had the best right to ask from Parliament under the present circumstances. But in regard to the Amendment, he had great difficulty in deciding how he should vote, and it was for this reason that, in connection with this clause, his right hon. Friend the Chief Secretary told the Committee that the Lord Lieutenant attached great importance to the search by day, but not the same importance to the search for arms by night. Now, Lord Spencer was the highest authority they could have on the matter, and if that noble Lord was deliberately of opinion that the Amendment of the hon. Member for the City of Cork (Mr. Parnell) might be accepted, and that it was not necessary to retain the power of a night-search, he (Mr. Arnold) did not see why the Amendment could not be accepted. He had understood the declaration of the Chief Secretary to be positive upon that point. At the same time, nothing could be more positive than the declaration made by the Home Secretary just now, that he abided by those words. It would, therefore, seem that there was some slight want of agreement between various Members of the Government. He (Mr. Arnold), before he gave a vote upon the Amendment of the hon. Member for the City of Cork, wished to know from the Chief Secretary what was the precise meaning of the words he had reported to the Committee from Lord Spencer?

The CHAIRMAN: I must point out to the hon. Member that he is not speaking to the question before the Committee—namely, the Amendment of the hon. Member for the City of Cork.

Mr. ARTHUR ARNOLD said, that was exactly the point to which he was speaking. He understood the right hon. Gentleman the Chief Secretary to say, and it was so reported, that Lord Spencer had virtually assented to the Amendment of the hon. Member for the City of Cork. All he desired was that the right hon. Gentleman should tell them what was to be understood precisely by the expression of Lord Spencer, so as to decide the Committee in coming to a vote.

Mr. RYLANDS said, the matter appeared to him to have assumed a position which was not convenient to those Members of the House who did not happen to be Members of the Party below the Gangway opposite. When he and other Members were asked to vote upon the Amendment of the hon. Member for the City of Cork (Mr. Parnell), they were bound to know whether or not the Government intended, by an Amendment on the Report, to meet that Amendment. If his right hon. and learned Friend the Home Secretary would get up and say that he (Mr. Rylands) had understood correctly that the Prime Minister last night did undertake that in regard to the search for arms and for documents, it should not take place during the hours of the night, he, for one, would cheerfully vote with the Government against the Amendment; but if his right hon. and learned Friend declined to give that assurance, he (Mr. Rylands) would be placed in a very unfair position. He certainly could not undertake to vote on this Amendment without understanding what the intentions of the Government were on the Report. It seemed to him that there was a sort of mysterious action in the matter. He believed there had been complaints made in certain quarters that the Government had conceded too much. He rejoiced that the Government had made concessions in regard to many of these clauses, and he thought that those concessions ought to receive from the Irish Party their due recognition. He believed it would be a wise concession on the part of the Government to act as he understood it was their intention to act in reference to the provisions contained in this clause. But to say to the House of Commons, "You must act blindfold, and you must give a vote under the present circumstances with a sort of indefinite impression that there has been some mistake as to certain expressions used," that was not treating the independent Members of the House fairly, and they would be justified in voting for the Amendment, which, as far as he was able to judge, was in accord with the opinion expressed by the Prime Minister last night. Unless the Government gave more explicit information—unless the Home Secretary was prepared to give an assurance that the Government would deal with the matter in the way the Prime Minister had already undertaken that it should be dealt with—and he did not distinguish between one Member of the Government and another—he should have some difficulty in arriving at a conclusion as to the way in which he ought to vote. At the same time, he was prepared to say that he regarded the Prime Minister as his Chief, as well as the Chief of the Government, and he knew that whatever the right hon. Gentleman had said he would adhere to. But unless the Committee had a statement from the Home Secretary that he intended to act in the spirit of the declaration of the Prime Minister, and to restrict the right of search for arms and papers to the daytime, he (Mr. Rylands), for one, would go without hesitation into the Lobby against him.

MR. MORGAN LLOYD remarked, that his two hon. Friends who had just spoken (Mr. Arnold and Mr. Rylands) did not appear to him to have considered the statement of the Prime Minister and the Amendment now before the Committee, because he did not think for a moment anybody in the House understood the Prime Minister to promise to go as far as the Amendment went. Whatever the Prime Minister might have intended, it was perfectly certain that he did not intend that. What was the question now before the Committee? It was that the right of search should be confined to the day-time, between sunrise and sunset. That was the day-time as ordinarily understood; but the sun might go down while it was still daylight, and was a Sub-Inspector to be supposed to set his watch by the almanack, and discontinue a search the moment the sun went down? What the Prime Minister meant was, that a search might be permitted to take place between certain specified hours in the day-time, such as from 6 o'clock in the morning until 8 or 9 o'clock at night. He hoped the Committee would support the Government in resisting the Amendment, whatever might be done on the Report. For his own part, he preferred the clause as it stood without any amendment, and thought it unwise to have any restriction upon the right of search at night. Those who possessed arms intended to be used for illegal purposes ought to be made to feel that they were not safe from a visit by the police during any portion of the 24 hours; and if it was thought that the police would use their powers harshly, that could be guarded against by general instructions from head-quarters.

MR. T. P. O'CONNOR said, the speech which had just been delivered by the hon. and learned Member for Beaumaris (Mr. Morgan Lloyd) had really nothing whatever to do with the question the Committee were discussing at the present moment. The question they were discussing was not whether or not the right of search for arms should be confined to the day-time, because that matter had already been conceded by the Government. The hon. Member for Burnley (Mr. Rylands) had put the matter fairly and temperately before the Committee, and he did not see why they should discuss the question with any appearance of passion, either on one side or the other. The Amendment of his hon. Friend the Member for the City of Cork (Mr. Parnell) was that the right of search for arms, ammunition, and papers should be confined to the day-time, and the words of the Chief Secretary last night were, that the Lord Lieutenant had come to the conclusion that the power of search for arms and documents at night was unnecessary. Therefore, the Amendment of his hon. Friend only provided that a power which the Lord Lieutenant declared to be unnecessary should be given up, and the point at issue between the Government and the

Irish Members was a very simple and narrow one. It was this. The sub-section extended to the seizure of arms and the articles mentioned, by night as well as by day. But the Government had declared that they did not want it to extend to the night as well as to the day. If that were the case, why did the right hon. and learned Gentleman not consent to admit the Amendment of the hon. Member for the City of Cork? The Home Secretary said it was a convenient course to postpone the question to the stage of Report; but, in saying that, he was asking the Committee to postpone a matter which arose on this very clause.

SIR WILLIAM HARCOURT begged pardon, but that was not his statement; it was the proposal of the Prime Minister. It was agreed that the matter should be dealt with on Report, and at that stage only.

MR. T. P. O'CONNOR said, he thought the right hon. and learned Gentleman had misunderstood his point. He had stated that the Prime Minister and the Chief Secretary to the Lord Lieutenant had given up the right of search for arms at night, unless there was proof that an illegal meeting was taking place. Clearly, that right of search at night had been given up by the Government. The clause had nothing to do with illegal meetings; it related solely to the search and seizure of arms, ammunition, and other articles named, and, therefore, the question limiting the right of search for arms clearly arose here, and should not be deferred to the stage of Report. The Government had said they did not want the power of search at night, except on the conditions stated, and they had clearly conceded the point of the Amendment of the hon. Member for the City of Cork.

MR. TREVELYAN said, that words of his had been referred to frequently in the course of this discussion. He had not, however, in any instance felt ashamed of his words, nor did he regret having uttered them. The Irish Government were satisfied that they did not want the right to search for arms, ammunition, and documents at night-time. They were equally satisfied that when they should have reason to know that members of a secret society were gathered together—that men, in fact, had collected together to plan crime—the right of entry ought to be possessed by the Government, in order that the machinations of the evil-disposed might be defeated. That was the view he had expressed during the previous Sitting, and which the Government now maintained. Under these circumstances, as an important change was to be made in the clause on the Report, in order to bring it into conformity with the statement of the Prime Minister, the Government were quite determined not to be hampered by any material change made in the clause at the present stage of the proceedings on the Bill. The clause was important beyond the conception of Gentlemen who had not been engaged in the administration of Irish affairs. He did not speak from his own experience, for it would be ridiculous to do that; he spoke on the faith of conversations held with all the most important people concerned in Irish administration. The Government would not recede from the position that the question was of such importance that it must be considered as a whole, and, consequently, they could not accept any material Amendment at the present stage. The statement made on the previous evening seemed to him to have been as clear and straightforward as any statement could be. The Government asked that the question might be postponed to the stage of the Report, in the belief that they had a right to expect hon. Members would trust them. At any rate, the confidence of hon. Members on that side of the House ought certainly to be extended to the Government in this matter. He would beg hon. Members, once for all, to remember that while they might deem it to be their duty to criticize the Bill at, perhaps, great length, every day brought before him fresh reasons to show that the Irish Government, or that part of it which was behind the scenes, regarded the present situation, not with fear, but with the most deep and increasing anxiety. He was not using conventional words, but language founded on matters of the most serious importance, and he felt bound to say that every day by which the Bill was delayed added very seriously indeed to the responsibility of hon. Members who might unnecessarily prolong its discussion.

MR. PLUNKET said, after the serious appeal of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant, he should not detain the Committee on that occasion by making any remarks as to the course which Her Majesty's Government might think fit to adopt with regard to the abandonment of the right of search for arms, ammunition, and documents at night, and the powers which they thought it incumbent on them to take for the purpose of defeating the machinations of secret societies. But there was a second issue raised by the speech of the right hon. Gentleman the Chief Secretary, and also by the speeches of the hon. Members below the Gangway on that side of the House, on which he desired to say a few words. It was as to the time at which the alteration in question was to be made. On that subject he had the clearest possible recollection, and he could mention, in connection with it, a circumstance that would doubtless recall it to the memory of the Committee. The Prime Minister distinctly stated that the time when the clause was going through Committee was not that at which he would make the alteration, which he was willing to concede, but that it should be done on Report. Upon that he (Mr. Plunket) rose and said that, at that moment, he should make no comment; that he reserved his right of speaking upon the subject, and that he presumed an opportunity for doing so would be accorded when the whole clause was put to the Committee. He had availed himself of the Motion to report Progress later on in the evening to say something on the subject; but it was distinctly understood that the proper occasion for fully discussing it would be on Report. He repeated that the Prime Minister had distinctly stated that the alteration indicated was to be made at the stage of Report, and not at the stage of Committee.

MR. PARNELL said, this clause, as the side-title showed, provided for "searches for arms and illegal documents;" and, as the Chief Secretary to the Lord Lieutenant and the Government had given up the right of search by night, and only desired to retain the right of entry where they had reason to suspect that the meeting of an illegal association was going on, it necessarily followed that the clause would have to be amended, either on the present occasion or on the Report stage, in the direction which he had pointed out by his Amendment. The clause, as had been already shown, provided simply for searches for arms and illegal documents. Therefore, the right of entry, as regarded illegal meetings, did not come within the scope of the clause at all, and it would be necessary for the Government to introduce practically a new clause, although they might call it a sub-section, in order to deal with that matter. He considered it was but a reasonable request to ask the Government to accept words with the view of making the clause now before the Committee what they desired it should be. But he had also asked the Home Secretary to make some statement as to what he considered the new clause would be, and he, in reply, said that the Government would be bound by any statement made on the Bill by the Prime Minister, the Chief Secretary to the Lord Lieutenant, and by himself. Now, the right hon. and learned Gentleman had himself made no statement, and he, therefore, pinned him to the statement of the Chief Secretary, which they had just heard, and which, in the absence of any dissent on his part, embodied the view which it was to be presumed he entertained. In the full confidence that the Government would carry out what they had stated last night, and what the Chief Secretary had just repeated, he would ask leave to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

COLONEL NOLAN said, he hoped the Government would be willing to accept the Amendment, of which he had given Notice, to the effect that the power of entry by force should be exercised only by policemen in uniform.

SIR WILLIAM HARCOURT said, the proposal of the hon. and gallant Member, that detectives should go about their work in uniform, was suggestive of the idea of a gentleman going out deer-stalking in a conspicuous dress. Why, under such circumstances as that, he would never get near the game. The clause was directed against secret societies, and it was impossible that the Government could agree to an Amendment which proposed that the officers who carried it out should be in uniform.

MR. MARUM said, he proposed, by the Amendment he was about to move, that Parliament should show to the people of Ireland that some regard was paid to their religious feelings. As the unrestricted right of search in the case of churches, places of worship, and other houses connected with the religion of the country, would be regarded in Ireland as extremely objectionable, he begged to offer his Amendment to the favourable consideration of Her Majesty's Government.

Amendment proposed,

In page 6, at the end of the Clause, to add—"Provided always, That no entry to search as aforesaid shall be made into any church or other place of worship, or any house of any clergyman of any denomination, or in any monastery, or convent, or nunnery, or school, except in the presence of a magistrate."—(*Mr. Marum.*)

Question proposed, "That those words be there added."

Sir WILLIAM HARCOURT trusted the hon. Member would not hesitate to withdraw his Amendment. He saw the hon. Member for North Warwickshire (Mr. Newdegate) about to take his seat, and, if his suggestion were adopted, it would doubtless facilitate the progress of the Bill. His objection to the exemptions proposed was that the principle had already been discussed and decided against on a former clause, when it was proposed to exempt, amongst other persons, the village doctor from its operation. It was not likely that the right of entry would be exercised in the case of the places mentioned, except for overwhelming reasons.

Mr. NEWDEGATE said, that he was the only Member who had succeeded in inducing a former House of Commons to appoint a Committee to inquire into the manner in which Conventual and Monastic establishments were conducted, and unless there had been some grounds for his Motion, he presumed that that House, which was certainly not inferior to the present House, would have rejected his Motion. He was quite as much impressed as was the Home Secretary with the necessity for expedition in passing the Bill now before the House. He had, however, risen in order to mention that during his researches he had found that the right of sanctuary was still claimed by these Institutions; and he would beg the Home Secretary to bear in mind that, previous to the suppression of Monastic and Conventual establishments in the reign of Henry VIII., and during the long subsequent suppressions of these Institutions in foreign countries, that right of sanctuary was found to be attended with the gravest abuses, and to be fraught with the gravest public dangers.

Question put, and *negatived.*

Mr. HEALY said, the object of the next Amendment, which stood on the Paper in his name, was simply to insure that a copy of the warrant should be furnished when the search took place. He hoped the right hon. and learned Gentleman would assent to this.

Amendment proposed,

In page 6, line 30, after the word "shall," to insert the words "produce and exhibit same, and furnish a copy thereof to the person (if any) in occupation of the premises which have been searched, or to anyone authorized to demand, and who shall demand same on behalf of such person, or of the owner of such premises."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT said, he thought it quite proper that the words in the Act of last year should be used in reference to the warrant, and that before the warrant was exercised it should be produced, if so desired. He should, therefore, be willing to insert, on Report, the words of the Act of last year, and he trusted the hon. Member would be satisfied with that assurance. The hon. Member would see that the production of the warrant was already provided for in the 3rd sub-section of the clause.

Amendment, by leave, *withdrawn.*

The CHAIRMAN said, he must point out to the hon. Member for Waterford (Mr. R. Power), who had the next Amendment on the Paper, that the two first lines of the Amendment could not be put, inasmuch as they had, in substance, been negatived by the Committee on a division upon the Amendment of the hon. Member for Durham (Mr. T. C. Thompson). That being so, it would seem that the whole of the Amendment was inadmissible, because the latter portion of it covered the first.

Mr. HEALY said, he desired to postpone, until the Report, the Amendment in his name, which was intended to provide compensation of some kind to persons whose property had been destroyed or injured by the police in the course of their search.

MR. SEXTON said, the object of the Amendment he was about to move was to enable a person, whose property had been seized, to go before a Petty Session Court and satisfy the Court that the articles found had not been used for the purposes of a secret society or a criminal association; it was, further, to enable him, if he were dissatisfied with the decision of the Court of Petty Sessions, to appeal to the Judge of the County Court. It would be obvious to the Committee that a Sub-Inspector and a body of police might come suddenly into the house of a person, who had not the slightest connection with any illegal society or any intention to commit any illegal act, and take away his property—arms and other things—without good grounds. The right hon. and learned Gentleman would not deny that the property of perfectly innocent persons might be seized under this clause by an Inspector who, perhaps, proceeded on the vaguest and most unreasonable evidence or suspicion; and he was simply asking that the person so aggrieved might be allowed to go before gentlemen invested by Her Majesty with the commission of the peace, to satisfy them that the articles seized were not intended to be used for any illegal purpose. This, and the right of appeal to the Judge of the County Court, appeared to him to be most reasonable propositions; and, as the Government could not wish to punish innocent persons, he trusted they would be acceded to by the right hon. and learned Gentleman.

Amendment proposed,

In page 6, line 31, at the end of the Clause, to add the words—"The person in whose possession any of the articles above mentioned may have been when seized, or any person claiming property in same, may within one month after the date of such seizure apply in the prescribed manner to a court of petty sessions sitting for the district in which such seizure took place, and which court shall consist of at least two justices of the peace, for an order that the articles seized should be delivered up to him; and if the court shall be of opinion that such articles have not been used, or intended to be used, in connection with any secret society or secret association existing for criminal purposes, the court may make an order that such articles be delivered up to the person claiming same. Any person finding himself aggrieved by any order of a court of petty sessions under this section may appeal from same to the county court judge for the county and division within which such order was made, subject to the provisions of, and in manner prescribed by, the twenty-fourth section of 'The Petty Sessions (Ireland) Act, 1851,' and the county court judge, on the hearing of any such appeal, shall have power to confirm, modify, or reverse such order, or to make any other order in the premises which may seem just."—(*Mr. Sexton.*)

Question proposed, "That those words be there added."

SIR WILLIAM HARCOURT said, this was a search clause, and it was now proposed by the hon. Member for Sligo to make it subject to a double appeal. If that were done, the clause would be perfectly unworkable. The right of appeal had never been asked or conceded in connection with clauses of this kind which had been in operation in Ireland for many years. The Government could not possibly assent to this proposal. Although, perhaps, the hon. Member for Sligo would not share the good opinion he had of the Irish Government, he felt confident that, if it were discovered that a miscarriage of justice had taken place, in the sense indicated, every reasonable means would be taken to repair the error, and it would therefore be unnecessary, as well as inexpedient, to encumber the clause with the machinery suggested by the hon. Member.

MR. SEXTON said, if the right hon. and learned Gentleman admitted that an innocent person ought not to be punished, it was difficult to see why he objected to the Amendment. How was the innocence of the person to be discovered unless it was by the means he suggested? It was obvious, in the case of a person whose arms or other property had been seized, that no step taken by him would be sufficient to counteract the action of the local police, nor was it likely that the authorities at Dublin Castle would willingly reverse that action. His proposition was that the person aggrieved should have an opportunity of calling into play that just and benevolent disposition which the right hon. and learned Gentleman had ascribed to the Irish Government. He proposed no more than that cases of the kind indicated should go before the right hon. and learned Gentleman's own magistrates; and he contended that unless this right of appeal were given to the aggrieved person, there was no other possible or conceivable way in which the accused person could draw attention to the fact of his innocence.

Mr. O'SULLIVAN said, he was quite unable to see why the Government could not agree to the proposal of his hon. Friend the Member for Sligo. If a man who was perfectly innocent of any illegal act or intention had his property taken away by the police, he had no right of appeal whatever. The Amendment asked nothing more than that a person so situated should be allowed to show that he was innocent, and that his property should not have been taken away. Such an addition to the clause as that could not possibly embarrass the working of the Act.

Mr. LEAMY said, he thought that although the right hon. and learned Gentleman said the Amendment of the hon. Member for Sligo would make the clause unworkable, his own opinion was that its effect would be to make the police more careful. He asked the right hon. and learned Gentleman whether he believed that any man connected with an unlawful society in Ireland, whose arms had been seized, would go before the magistrates and subject himself to examination? The idea was not to be entertained for a moment; and the right hon. and learned Gentleman would see that the only object of the proposal was to allow an innocent man from whom arms had been taken to say that those arms were not in his possession for an illegal purpose.

Mr. GILL said, the right hon. and learned Gentleman's argument, that the adoption of the Amendment would render the clause unworkable was clearly fallacious, because the appeal asked for could not be made until the clause had operated—that was to say, until the house had been broken into and the property taken away. It was most desirable that an innocent man should have the opportunity of proving his innocence in the manner suggested for other reasons than those which had already been given. The Committee would know that the power had already been taken under Clause 9 of the Bill to arrest strangers in a proclaimed district under suspicious circumstances. Now, it might very well happen that a perfectly innocent person, whose house had been entered and whose property had been seized, might find himself the object of suspicion to a policeman in a proclaimed district where his business or avocations called him. Suppose this person to be arrested. Would it not be strong evidence against him if the police brought forward proof that his house had been searched by the police of the district where he formerly lived? He contended that, under those circumstances, the individual would have no chance of escape from the operation of Clause 9 unless he could show that his house had been searched unnecessarily; and there would be no means of his doing this except he could refer to the record of the appeal with which the Amendment of the hon. Member for Sligo would furnish him.

Mr. T. D. SULLIVAN said, he thought this Amendment might be described as one of the most simple and reasonable Amendments that had been proposed to the Bill. It asked nothing more than that after a man had been wronged he should have an opportunity of getting redress. Nothing could be more just than that a man, whose property had been injured and whose reputation had suffered by the wrongful action of the police in searching his house upon slight information or hasty suspicion, should be able to obtain reparation. He could not help thinking that the right hon. and learned Gentleman wanted to insure that the police should have the power of doing wrongs of this kind unchecked by the knowledge that the person whom they wronged would be able to get redress. If that were not so, what was it that the right hon. and learned Gentleman wanted? He presumed it would be admitted that the police might commit grievous mistakes in carrying out the provisions of the Act. Well, then, if the right hon. and learned Gentleman did not want to shelter the police, and insure that they should have no trouble after they made mistakes of the kind indicated, why did he not accept the Amendment of the hon. Member for Sligo? The right hon. and learned Gentleman had expressed his belief that if the Irish Government found that a wrong had been done under this clause, they would, of their own motion, make amends for that wrong. If, then, they were so well-disposed, no possible harm could result from the Government assenting to such a proposition as this. He appealed to the Committee not to regard the whole case as settled, because the Home Secretary said he could not accept the Amendment. In deciding a matter of this kind, they were not to be ruled by the opinion of any Member of the Committee; on the contrary, every Member of the Committee had the right to bring his own honest and independent judgment to bear upon the question at issue; and it was upon that ground that he invoked further consideration for his hon. Friend's proposal, which, for the reasons given, he held to be strictly conformable to the spirit of justice.

MR. CALLAN said, the proposal of the hon. Member for Sligo was not a limitation of the clause, although it would, if adopted, exercise an influence over the police in making applications for search warrants without reasonable cause. As an illustration of the conduct of the police in matters of this kind, he would refer to a case in his own parish which occurred in 1848. At that time a Roman Catholic church was being built in the parish; his father and the son of a neighbouring magistrate acted respectively as treasurer and secretary, and, for the purpose of collecting subscriptions, a parish census was taken. Someone gave information that there was a secret organization in the parish; the police made a sudden raid, and carried away some articles. After it was discovered that the whole thing was a mistake, application was made for the return of the property; but it was never returned, because to have done that would have shown the absurd position in which the Government were placed.

MR. O'KELLY said, the right hon. and learned Gentleman the Home Secretary, in refusing this Amendment, spoke of it as an Amendment calculated to interfere with the right of search, and as one which would render the powers conferred by the clause practically useless to the Government. He (Mr. O'Kelly) could not understand how the right hon. and learned Gentleman could reasonably take that view of the Amendment. It interfered with no power of the police to enter and search; but what it would do would be to compel the police to act with something like prudence and fairness, from a fear that their action would be subject to review. Who were the men by whom they asked the Government to allow the conduct of the police to be reviewed? They were men appointed by the Government themselves—men who were known to act in the interests of the Government constantly and continually — men who were, to a great extent, in the pay and under the power of the Government. It was to such a tribunal as that that they asked the Government to refer the action of the police. If the Government meant honestly to use this Bill simply against evil-doers, there could be no reasonable and logical objection to their affording the protection which was asked for in this Amendment—the protection that when a man's house was invaded, and his arms or other effects were seized by the police, upon one pretence or another, that man should have the right to go before a tribunal of the country and prove, or offer evidence to that tribunal to prove, that the weapons and articles seized had not been kept by him with a view of breaking any law. The protection afforded by this clause would not interfere with the power of the Government to deal with anyone connected with secret societies, or with anyone whose intention it was to break the law. There was nothing in the Amendment which would afford such people the slightest protection; but in it there were guarantees to the subject that this right of search should not be abused in the future in Ireland, as it had been so frequently abused in the past. Perhaps hon. Gentlemen, Members of the Committee, who were not so well acquainted with the history of Ireland as were the Irish Members, were unaware of the evils which had been brought on that country by abuses of this right of search. Hon. Gentlemen, perhaps, forgot that the origin of the Rebellion of 1798 was the abuse of a similar power conferred on the Yeomanry and the officials of the Government of that day. Through the use that was made of this power, the people were driven to desperation, and the result was that the Government had to deal with a very formidable rebellion. What was now feared was, that if this clause should be used in the same spirit in the future as it had been used so frequently in the past, it would become a means of promoting disorder, and provoking resistance to the Government; perhaps resistance of a very serious character; while they could achieve all that they required, or all that the Government had a right to demand, without conferring this extra and dangerous power on the police and local authorities. The Government could take powers sufficient under this Bill to search for arms, ammunition, papers, documents, or articles they might think it desirable should be seized, without conferring an absolutely unlimited power upon the police —a power not merely unlimited, but absolutely without check or revision. What the Irish Members wanted was, that when a police-officer, acting with information, or without information, went into a man's house to search, if that man was convinced that there was no reasonable ground for such action of the police, he should have the right to go to the magistrates and put before them the reasons why he contended that the police had no right to act as they had done. He (Mr. O'Kelly) would ask English Members, was that an unreasonable guarantee to ask for? He would ask them how, and in what way, would the right of review impede or interfere with the right of search? In what way could it interfere with the right of the police to seize any arms or documents that they might want to seize? The Government took up the position that this Amendment would impede their use of the Act; but, as a matter of fact, it would only impede them where they wished to use the Act dishonestly—where they wished to use it despotically. It would not hamper, in the slightest degree, the use of this Act in any case where it ought fairly to be used.

Mr. ARTHUR ARNOLD said, he hoped hon. Gentlemen opposite would allow them to take a division at once on this Amendment. The matter was extremely simple, he had been there the whole of the time it had been under discussion, he thought it had been exhausted, and that a result might very fairly be now arrived at.

Mr. BIGGAR said, he desired to make an appeal to the Government, and that was that they (the Government) should make, at least, a pretence of listening to the arguments advanced in favour of the Amendment by Members of the Committee. There was no Member of the Government present except the right hon. and learned Gentleman the Attorney General for Ireland; and it, therefore, could not be said that they were paying due attention to the arguments advanced. He begged to move that the Chairman report Progress, and ask leave to sit again.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Biggar.*)

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, he did not think the hon. Member could be in earnest in this Motion. He was sure the hon. Member would not deliberately delay the Business of the House, especially considering the large amount of time which had been devoted, up to the present, to the consideration of this Bill. As to the statement that the Government were not listening to the arguments of hon. Members, personally he had been obliged, in the interests of Public Business—not in any way for his own purposes—to absent himself from the Committee; but he took it for granted that other Members of the Government had been present, and had attended to the arguments that were presented to the Committee by hon. Gentlemen who supported the Amendment. So far as he was able to form an opinion with regard to the Amendment—not having had the opportunity of conferring with his Colleagues—he did not think the Government would be able to accept the proposal. He wished to keep himself within the Rules of the House; but if he might be allowed to say so, he would observe that the hon. Member for Roscommon (Mr. O'Kelly) had put the case very strongly—to say the least of it—when he said the Government wished to use this Act dishonestly. If that were the case, and if the object of the Government were criminal, it would be idle to talk of introducing this Amendment. But that was not the object of the Government. Their object was to obtain from Parliament those measures which the Executive in Ireland considered necessary to restore peace, and to put down that disorder which everyone must admit had been for such a long time rampant throughout the country. The hon. Member said that an innocent man might be deprived of his arms and property—that was to say that the house of a man might be searched, and the police might seize arms and other articles which the man who owned them had in his possession for a perfectly proper purpose. In such a case a much shorter remedy than that suggested by hon. Members opposite was open to the persons who felt themselves aggrieved. They could apply to the Lord Lieutenant, who would, on being satisfied of their innocence, order the arms to be returned.

MR. SEXTON: How is a person to prove his innocence?

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, if he found a man in possession of a jemmy at night in the neighbourhood of a house it would take a very strong argument to prove that that man was innocent of any evil intent. Under ordinary circumstances, however, he would rather assume that a person's intentions were honest.

MR. SEXTON: But the clause says "articles."

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, what were arms but articles? Surely the hon. Member did not suppose that the word "articles" in the Bill meant a pair of slippers or a dressing-gown. The Bill said—

> "All or any of the following articles; that is to say, any arms, ammunition, papers, documents, instruments, or articles suspected to be used or to be intended to be used for the purpose of or in connexion with any secret society or secret association existing for criminal purposes."

That was the character of the articles—it was not an umbrella, or a pair of slippers that would be seized, but articles used for the purposes of secret crime. It might be difficult, to some extent, for an innocent man to prove his innocent intentions if found in possession of these articles—just as difficult as it might be for a man to prove his innocence who was found in possession of stolen property that had come to him from other persons; still a person could do it, and was not prevented from doing it. The short answer to the Amendment was this. If a man was innocent and required these articles mentioned in the clause for an innocent purpose, in the event of their being seized, he would have little or no difficulty in getting them back by means of a memorial to the Lord Lieutenant—he would be able to get them back in that way in as many minutes as it would take him days to get them back in the way suggested by the hon. Member. He, therefore, hoped the hon. Member for Cavan would withdraw the Motion for reporting Progress; and, seeing that they had discussed this question at very great length, he trusted that hon. Members would now submit it to the arbitrament of a division.

MR. BIGGAR said, he would withdraw the Motion. His only object in moving to report Progress was to get the right hon. and learned Gentleman to give some reason, or, at any rate, to undertake to give some reason, why the Government were so unreasonable as to object to the Amendment of the hon. Member for Sligo (Mr. Sexton). Seeing that he had been successful, he did not wish to press the Motion.

Motion, by leave, *withdrawn.*

Original Question again proposed.

DR. COMMINS said, with regard to the arguments of the right hon. and learned Gentleman the Attorney General for Ireland, they appeared to him (Dr. Commins) to be very short of the mark, in asking for power to seize—

> "Arms, ammunition, papers, documents, instruments, or articles suspected to be used or to be intended to be used for the purpose of or in connexion with any secret society or secret association."

The right hon. and learned Gentleman's illustration with regard to the "jemmy" was the most unfortunate one he could have drawn, because he must not forget the fact that there were 1,000 different purposes for which these articles, mentioned in the Bill, could be used besides the purposes of secret societies. People who got up secret societies did not label the articles they kept for the use of such societies, and there might be nothing to show the purpose for which they were intended to be used. A gun that might be used for the purposes of a "Moonlighter," or a member of any other secret society, might be suspected of being required for an unlawful purpose; but, seeing that the evidence upon which the police were to be empowered to seize such an article would be altogether extrinsic from the article itself, there should be some means of rebutting the evidence of the policeman, and showing that the article was required for a lawful purpose. But the clause did not give such a power. The right hon. and learned Gentleman the Attorney General for Ireland seemed to forget that the Arms Act already gave ample power to the police to seize all these things, and that that Act would not expire until October. Under that Act the police were empowered to seize all unlicensed arms or ammunition, or even parts of unlicensed arms, such as a gun cap or the broken lock of a gun. The provisions of that Act were sufficient to enable everything in the nature of an arm or in the nature of ammunition to be seized, while the Amendment would not interfere with that Act at all; but if articles were seized under the present section of the Prevention of Crime Bill, any mortal thing could be seized on the assumption that it was to be used for some illegal purpose. Books might be seized, papers also; iron might be seized from a smith's forge on the plea that it was going to be manufactured into pike-heads. There was not an article in the world that might not be seized. Clothing might be seized, because the police might say, "Oh, this clothing is intended to be used for disguises." House furniture might be taken, horses too, for it might be said, "Oh, these horses are to be used for the purpose of riding off to an adjoining county to attend a 'Moonlight' meeting." He did not say the Government would abuse this Act intentionally; but there were policemen who were ofttimes over-zealous, particularly when large rewards were held out to them in order to tempt them on, or where it might be an object to them to show how extremely active they were in carrying out the views of the Government. The police might seize articles against which they could not bring a particle of direct evidence, but which it had been whispered here and there were intended for the purposes of a secret society—they might be guided by the hints and suggestions of informers. Under this section the police might, if they chose, go into a house without a warrant, search the place from top to bottom, and seize anything or everything. Surely, then, the power of questioning the propriety of a seizure should be given. The right hon. and learned Gentleman the Attorney General for Ireland said, "You can memorialize the Lord Lieutenant;" but what would be the use of doing that? An individual, in a communication to the Lord Lieutenant, might say, "They have taken away my horse under the pretence that I am going to attend a 'Moonlight' meeting. I am not a 'Moonlighter;' I am not going to any such meeting." The Lord Lieutenant would appeal to the police officials and would get a very different version of the story, and the Lord Lieutenant might prefer to place reliance upon their view of the case. He might say, "The police know more about it than this man would have it appear; I shall take their version—he cannot have his horse back." Let the evidence be adjudicated upon by the magistrates who sit in the district—that was all that the Amendment proposed. It proposed to give relief to persons who might be worried, harassed, placed in the most painful positions, and subjected to all the pains and penalties that the Act provided, up to six months' imprisonment, through no fault of their own, but merely on the suspicion of a policeman. It would give people an easy and summary way of reclaiming their property, and while it did that it would not in any way hamper the hands of the Government. What the Amendment would do would be to remedy the evil that must inevitably accrue from even the most guarded exercise of the despotic power of this clause.

Mr. JUSTIN M'CARTHY said, the Amendment was so reasonable that he could not see how the Government could think of opposing it. Its object was to enable the Government to return to a man what was strictly and properly his own. If a man had firearms for an innocent purpose, and they were seized under a mistake, they were strictly his property as much as anything could be a man's property; and why, therefore, should not a man have a legal way of obtaining back, through a legal tribunal, what he had been deprived of by mistake? Why should a person have to go hat in hand to the Lord Lieutenant, and say—"I want to get back what is mine?" There was a great deal in what had been said by his hon. and learned Friend (Dr. Commins) as to the extent to which seizures might be carried under this clause. Anything, for instance, that could be used for the purpose of disguise would obviously come under the clause. They knew that women's clothes might be seized, because female apparel was very frequently resorted to for the purpose of disguises by members of conspiracies. Men's clothes also might be seized, because cases were common at all times in which they had been used by women who went about disguised acting as the agents of secret societies. The Committee knew that the disguise of the Whiteboys was a shirt put on over a man's ordinary dress. Policemen might be over-zealous in their use of the powers committed to them, and he did not see how their zeal could be moderated, or the evil effects of over-zeal be remedied, unless in the manner proposed by the Amendment. The Government could have no object in wishing to keep the property of an innocent man, and they could have no motive in dragging such a person before the Viceroy unnecessarily.

MR. BIGGAR said, it seemed to him that the Government were particularly unreasonable in objecting to this Amendment; and he charged them with having wasted the whole day. What were the facts? Why, this Amendment, if carried, could not possibly do more than give redress to an innocent person; it could not benefit anyone who was guilty, and surely the Government would not say their object was to punish a person whether he was guilty or not. The contention of the right hon. and learned Gentleman the Attorney General for Ireland, as had been pointed out by the hon. Member for Longford (Mr. Justin M'Carthy), was not a sound one, for he had said, supposing a person was unfairly treated under the provisions of this clause, he could obtain suitable redress by sending a Memorial to the Lord Lieutenant. But suppose an innocent person, whose property had been seized, did send a Memorial to the Lord Lieutenant, what redress would he be likely to receive? What would be likely to occur would be this. The Memorial would be sent by the officials to Dublin Castle, to the parties against whom complaint had been made; these people would give their own statement of the case, and the man against whom the illegal seizure had been effected would not be able to defend his action, as he would not know what the case against him was. If, however, the matter were allowed to come before the Petty Sessions, the applicant would have the right of reply; and, if the case of the police was unreasonable, he would be able to show it, and then, in all probability, justice would be done. There was another very important thing connected with this matter, and it was this—the desirability of having the appeal heard without delay. If a Memorial, however, were sent to the Lord Lieutenant, there was no certainty at all that an investigation would take place, and that a reply would be received for weeks, and, perhaps, for months. But, if the party aggrieved had the right of appeal to the Petty Sessions, he could go before the magistrates at once and have his case heard. It was argued by the right hon. and learned Gentleman the Home Secretary that the appeal was unreasonable, and would give rise to too much litigation; but he (Mr. Biggar) hardly thought that would be the case. The magistrates might, through prejudice, give a wrong decision. Such cases often occurred, and it would, therefore, be only just that the aggrieved person should have the right of appeal. His hon. Friends would agree that the appeal should only be to magistrates in Petty Sessions—at least, he thought they would agree to that. He did not think that would be unreasonable.

MR. SEXTON said, the Government had objected to a double appeal; and to meet their views, if necessary, he would forego the preliminary investigation, and allow the matter to be settled by the magistrates at Petty Sessions. If the Government would allow that limited appeal against the action of the police, he (Mr. Sexton) would be prepared to withdraw the present Amendment, and to substitute another to carry out his object. If the Government did not accept that compromise, he could only think that they feared their action under this clause would be discredited, and that they, therefore, did not dare to allow it to be investigated before a public tribunal.

Original Question put.

The Committee *divided:*—Ayes 42; Noes 168: Majority 126.—(Div. List, No. 166.)

MR. PARNELL said, he begged to move as a sub-section at the end of the clause, the words—

> "Monthly Returns shall be laid before both Houses of Parliament of all searches or entries made under the provisions of this section, giving the names and addresses of the persons whose premises have been searched or entered, with the result in each case."

Amendment proposed,

At the end of the Clause, to add the words "(4.) Monthly Returns shall be laid before both Houses of Parliament of all searches or entries made under the provisions of this section, giving the names and addresses of the persons whose premises have been searched or entered, with the result in each case."—(*Mr. Parnell.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he was afraid the Government could not accept the Amendment, for this reason. There were numberless instances in which persons managed to evade detection and punishment, though they happened to be criminals. A man, whose house had been entered, although the police might not be sufficiently astute or successful to find compromising matters in it, might, nevertheless, be criminal; and such a person, who, if he succeeded in concealing the fact that instruments were in his possession for the purposes of crime, would be held up as an innocent man.

MR. PARNELL said, this was a most reasonable Amendment, and he should not have thought that it would have been refused by the Government. The right hon. and learned Gentleman the Attorney General for Ireland said he did not consider a Return of these searches would at all answer the object he (Mr. Parnell) had in moving the Amendment, as the Return would be of a general character, the warrant being issued as regarded an entire district. The warrants would embrace the districts of a Sub-Inspector or Inspector of Police; but it was of the utmost importance that the Committee should have some information as to the action of the Government under this Bill. It was perfectly monstrous that every reasonable Amendment should be refused, and he must say that if the Government were to continue this system they must expect that the Bill would make but very slow progress. What was he (Mr. Parnell) asking for? Why, that Returns should be laid on the Table of the House, giving the names of persons whose houses were searched by night or by day. What could be more reasonable than that; and if the Government refused such a reasonable Amendment, what could they expect? They could only expect the Bill to be strongly opposed on Report, and Amendments to be brought forward and pressed against every section. The objection the right hon. and learned Gentleman the Attorney General for Ireland made to the acceptance of this Amendment was of a most trivial character. He said that a man whose house had been searched, though nothing might have been found there, might still be a criminal, but would be held up as an innocent person. Nothing of the kind—he (Mr. Parnell) denied the right of the right hon. and learned Gentleman to suggest such a result. The name of such a man would figure in the Return as that of a person who had had a search made in his house. It would by no means follow that he was innocent if nothing of a suspicious character was found on his premises. The Amendment was a reasonable one, and he should press it upon the Committee.

MR. JOSEPH COWEN said, he could not understand the objection of the Government to this very reasonable request. What the hon. Member asked was simply to know how far this power had been effective. The Government had given Returns of the persons arrested under the Coercion Act; but they had raised the same objection to presenting those Returns that they were raising on the present occasion. The objection was peculiarly an official one. One reason why the Amendment should be pressed was this—because it was one of the main accusations against the Act that its objects would be difficult of accomplishment. But if, by presenting these Returns, the Government could show a number of cases where houses had been entered and arms or other suspicious articles had been found in them, it would be a strong argument in favour of these powers.

DR. COMMINS said, the objection of the right hon. and learned Gentleman the Attorney General for Ireland was a very amusing one, and it reminded him of a phrase in use among schoolboys when they were detected in mischief. There was in use amongst schoolboys an old proverb—"Any excuse is better than none"—and the Government now seemed to think that any reason was better than no reason at all. As a matter of fact, there was no reason that could be given, and it looked very much like trifling with the Committee to say that where a man's house was entered, and nothing was found there, although that man might have been guilty of crime, to record the fact that a search had been fruitless would be holding him up as a very good character. What was there in this that even looked like an argument? It could not be of the slightest consequence to a man whether his name appeared in a Return or not; it would not give him a good character either with the police or with his neighbours; indeed, the mere fact of a man's name appearing in a Return of this sort would make it look as though he was a person against whom there was a well-founded suspicion. The fact of appearing in a Report would, to his mind, be damaging to a man's character rather than a rehabilitation of it, as the right hon. and learned Gentleman seemed to think. But the Government resisted the Amendment, and did not condescend to give a reason for so doing; and strong spectacles were not required to see why it was they did not give a reason. Language, it was said, was given to people to conceal their thoughts; but to the Treasury Bench it was apparently given to conceal argument and to conceal reasons also. The Government did not wish this House and the people of England to know how they were using, or misusing, the powers of this Bill. The people of England were in the habit of looking on such warrants as an invasion of liberty and family privacy; and they should, therefore, be informed, from month to month, how many of these invasions of liberty, how many of these invasions of domestic privacy, how many outrages on individual rights had taken place under the authority of this Bill. The Committee had heard a great deal lately about law and order; in fact, that had got to be used as a slangy phrase. There was a great deal that was unlawful and disorderly committed in the name of law and order; and if the people of England, and this House of Commons, only knew how Acts of this description were used in Ireland, he believed there would be far less welcome for measures of Coercion in this Assembly, and that English Governments would not be so ready to demand them. Unless some better reason were given against the Amendment, he trusted that the hon. Member for the City of Cork (Mr. Parnell) would press it to a division.

MR. DAWSON said, there was another reason why the Government opposed this Amendment, and it was because they were afraid of having the failure of this clause exhibited. Under the clause as it stood they would publish the fact that, say, 500 searches had been made, and would leave the people of England to believe that the police had been zealous and active, and that they were effectually dealing with illegal practices; whereas, if the results of these searches were made known, it might be seen by everybody that 499 out of the 500 searches were vexatious and unnecessary. He was surprised to find such a reasonable Amendment as this refused, and if the Government persisted in their refusal he could only look upon it as for the reason that these searches would be carried out in a manner distasteful to the spirit of the House of Commons and the English nation. If that was not the reason, it must be because they were afraid of piling up hundred of cases of failure.

MR. JESSE COLLINGS said, that, as he understood the Amendment, its object was simply to provide that cases of search occurring under this clause should be reported to the House of Commons. Well, he could scarcely conceive a more reasonable request than that, and if it was refused it seemed to him that the desire of the Government was that the acts which took place in Ireland under this section should be kept secret. Nothing more abhorrent to the English people, or more unfair to the Irish people, he could not conceive; and he wished to say that if the Government refused such Amendments—such reasonable Amendments as this—against which a Representative of the Government had given a reason that was absolutely worthless and would not hold water for a moment—they would be responsible for the delay which would take place in passing the Bill through the House. Let English Members put themselves in the position of Irish Members opposite. Supposing it was proposed to put such clauses as these in force against Englishmen, Members on those Benches (the Ministerial Benches below the Gangway), at any rate, would resist the proposal most strenuously. There was nothing but the commonest English fairness in the demand that those who were to be subject to the provisions of this Act should, by some means or other, have their cases shown to the public and the English people. If these Returns were allowed and it were shown that people whose houses had been searched had suffered deservedly, well and good; but if cases were shown where the powers of the Act had been misused under the arbitrary action of the police, where but in that House were they likely to have such abuses rectified? He did hope that the Government, who were followed by Members below the Gangway on their own side like a flock of sheep in the carrying out of these miserable clauses, would—always with the permission of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), who seemed to be master of the situation, and the consistency of whose principles he admired, whilst he condemned the inconsistency of the principles of right hon. Gentlemen on the Front Ministerial Bench—yield to this very reasonable proposition, and not ask their followers to wade further into the mire of restrictive legislation. Do not let them punish persons who were innocent, and, by preventing publicity, prevent the application of a cure to any further possible abuse of the Act.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson) said, the hon. Gentleman seemed to suppose that it was not possible, by means of Questions or Motions in that House, to have any and every grievance thoroughly ventilated. He would ask the Committee, from their experience of the Notice Paper from the first day of the Session down to the present time, to say whether there had been a single matter in the most remote part of Ireland, and concerning the most obscure person in the country, which, if it implied personal grievance, had not been brought before the House, and information demanded, and that demand responded to in every single instance? He was only appealing to the experience of the House. Whenever an answer on one of these personal matters had not appeared satisfactory to hon. Members, had it not led to debate in which every single case alleged against the Government had been gone into? To say that because this information was not given in the method suggested, that therefore the course of the Government was to be secret, seemed to him to be begging the question. Every Member who spoke from the Bench from which he was now speaking spoke under official responsibility, and official publicity was given to every statement he made. To say, therefore, that every case of grievance would not be investigated was hardly consistent with the fact.

Mr. DILLON said, he had failed to gather from the right hon. and learned Gentleman's observations what was the nature of his objection to this Amendment.

The ATTORNEY GENERAL for IRELAND (Mr. W. M. Johnson): You were not in the House when I stated them.

Mr. DILLON said, it did not appear to him to be a reasonable objection to say that it would make a man who might be guilty of crime, but on whose premises none of the articles mentioned in the clause were, on search, discovered, appear an innocent person if Returns were to be furnished. The right hon. and learned Gentleman told them they were in a position to ask Questions, and that they could obtain all the redress that was necessary for aggrieved individuals by interrogating Ministers, and insisting upon having full information. Well, he admitted that Questions had been put in that House with regard to a great many individuals; but, as a rule, no information had been elicited, or, at any rate, no satisfactory information. The right hon. and learned Gentleman had gone on further to say that in every instance where they received no information a debate ensued. Did the right hon. and learned Gentleman desire to see that system more generally practised? How would the House like it, supposing at Question time, in consequence of insufficient or unsatisfactory information being elicited from the Government, five or six Motions for the adjournment of the House were made? What would the House think of it, supposing there was a Motion for Adjournment every time an Irish Member received the curt reply to a Question—the stereotyped reply—"It is the Lord Lieutenant's pleasure," with no other reason being given? No; the Government would not give these Returns, because they knew that if they were published to the House this infamous Search Clause would be condemned for ever in the eyes of the English people. The Government knew perfectly well that if now the Irish

Members could only rake up the way these Search Clauses had worked in Ireland for years past, that House, even as at present constituted, would refuse to pass these provisions into law. They would see the futility of such powers—they would see that crimes had never been prevented—they would see that, while these powers had been used to harass and humiliate the people, no "Moonlighter" or any other criminal had been arrested under them. If the Irish Members could carry this Amendment, it would put them in possession of proof that this clause was not the weapon which it was represented to be by the Government, but that it was futile for the suppression of outrage, and a most fertile means for creating exasperation and rage in the minds of the Irish people. The right hon. and learned Gentleman the Attorney General for Ireland had spoken of this clause as though it were a mere matter of course. He had said that a clause of this kind had been in force in Ireland almost continually since 1848. Well, he (Mr. Dillon) regretted to say that was so, and that was one of the reasons why the Irish peasantry detested English law, and why no British Government could ever get them to obey it. The right hon. and learned Gentleman spoke of this clause as though it were one that the Irish Members could not reasonably object to. They were not to object to a clause which allowed a rough and probably a bad policeman—and when he said that he did not speak of any of the men individually, because some of them he knew and respected, but there could be no doubt that large numbers of them were exceedingly rough and exceedingly bad men—to enter the home of any poor Irish peasant as it pleased him. They must remember that the houses of the poor in Ireland were of the humblest, often composed of a single room; and that fact ought to make it more sacred than the home of the rich man. Were they not to object to a clause which left the home of every peasant in Ireland open to be insulted by the police, who were often envenomed against these poor people, for reasons which he would not enter into? Were the Irish Members to be told that a law which would enable a policeman to go out in the night, break in the door of any poor peasant, take the inmates out of bed, and make the most outrageous searches, was not an extreme law? Surely that was a monstrous proposition. The Irish Members wished to be furnished with an assurance that evidence of these cases of search would be laid before the House—evidence that they hoped would influence the future action of Parliament when a proposition should be laid before them for the repeal of this legislation—evidence which would show whether this outrageous clause was justified by the success of its working, or proved—as the Irish Members believed it would—to be as great a failure as the Coercion Act of last year. If the Irish Members could prove next year there had been 500 or 600 searches and nothing found, would they not have a strong case for the repeal of this clause? That was what they believed would happen; and if the Government believed that that was going to be a powerful instrument to enable them to seize on the weapons of murder, and the books of secret societies, why did they not give Returns, in order that Parliament might know what was being done? If they used this clause effectually, they ought not to be ashamed to come forward in the House and defend its continuance. If, on the other hand, it turned out a failure, why should they refuse the Irish Members the evidence that would put them in a position to argue conclusively against its continuance?

MR. LABOUCHERE said, it was really a most remarkable thing that after the Prime Minister had told them how desirable it was that this Bill should pass speedily, the subordinates of the right hon. Gentleman hindered its passage by refusing the most reasonable requests of the Irish Members and those hon. Members on the Ministerial side who agreed with the Irish Members in their suggestions. It seemed to him that if this concession was made it would benefit rather than injure the Government. They had been told, reasonably enough, by the Home Secretary that it would be perfectly impossible to employ policemen in uniform to make these searches, but that detectives would be sent out for that purpose. If that were so, it seemed clear that all sorts of rumours and stories would get abroad that there had been many more searches than actually took place. In England an Englishman's house was his castle; but in Ireland that clearly was not the case. But it did seem to him reasonable that if a detective was to be allowed to knock at the doors of an Irishman's house, and to say, "I have a right of way here to see if you have any arms," and if that detective searched the house, and did not find arms or anything else that came under the clause, some official record should be kept of such a transaction. Surely the public had a right to know what houses were searched, and how the Executive in Ireland were carrying out the clause. He confessed he should like to hear the opinion of the Chief Secretary to the Lord Lieutenant on this matter. He (Mr. Labouchere) had listened with great respect to the observations which the right hon. Gentleman had so far had occasion to make with regard to this Bill—he considered those observations a great deal more practical than those which had fallen from the right hon. and learned Gentleman the Home Secretary, who seemed to have adopted the policy of "no surrender." He should like to hear the opinion of the Chief Secretary with regard to this clause, and as to whether he did not think it was absolutely necessary, and even desirable, in the interests of the government of Ireland, that this concession should be made. If the right hon. Gentleman considered it necessary that this concession should be made, the business of the Home Secretary would be to accept the view of his Colleague and adopt the Amendment. The Committee would then pass this clause. Yesterday the Prime Minister made a handsome statement with respect to the clause, and ever since that it had been the object of hon. Gentlemen below the Gangway opposite to proceed with the section in a conciliatory spirit. They desired to meet conciliation by conciliation, and to give the Home Secretary his clause. But for an hour they had been engaged in endeavouring to get from the Home Secretary whether or not he endorsed the action of the Prime Minister. It was not until they had exhausted an hour that the Chief Secretary got up and told them that the Prime Minister and the Home Secretary did intend to carry out the pledges that had been given, and specified what those pledges were. He (Mr. Labouchere) did not think that anyone could, with justice, say for a moment that either today or yesterday the Irish Members had been open to the charge of Obstruction. ["Oh, oh!"] Hon. Gentlemen said "Oh, oh!" but when a Bill, which it was admitted was intended to do away with the liberties of Ireland, and which was to last for three years, was brought into the House, it could not be expected to proceed with railroad speed. It was necessary that it should be exhaustively discussed. He was ready to admit that there had been exhaustive discussion, and he hoped there would still be exhaustive discussion; but he absolutely denied that there had been any Obstruction. He challenged any hon. Member to say to the contrary.

Sir HERVEY BRUCE said, he had not, so far, opened his mouth on this question, though it was one which interested everybody in the country; but he could sit silent no longer and hear Representatives of English constituencies tell them that they were taking away from Ireland personal liberty, instead of endeavouring, as the Government had told them, over and over again, they were trying to do, to stop assassination and outrage. He should like to know how any of those Gentlemen who represented Northampton, Durham, or Sunderland, would like it if they could never go away from their places of business, or from wherever they might be, or from whatever they might be doing, without the protection of the police—without some officer to guard them from being murdered or assaulted——

The CHAIRMAN: The hon. Gentleman's observations are general with regard to the clause, and I would point out to him the Question before the Committee is simply an Amendment as to Returns.

Mr. DAWSON said, he had to point out that the last refuge of the right hon. and learned Gentleman in refusing this Amendment was really a very peculiar one. When asked to give his sanction to these Returns, so that hon. Members might have the whole action of the Government under this clause before them in a succinct manner, the right hon. and learned Gentleman said it was not necessary, that they could get all the information they wanted by putting Questions in the House. Well, he (Mr. Dawson) was sorry the Master of the Rules of the House was not present to hear that statement. Why, instead of having 60 Questions on the Notice Paper, as there were one day not very long ago, they would be having 120. The right hon. and learned Gentleman was determined not to agree to the Amendment. According to the right hon. and learned Gentleman, it was determined to leave the clause a powerful instrument for the detection of crime; but, as a matter of fact, the effect of the policy he was adopting would be to render it an efficient instrument for the creation of crime. The right hon. Gentleman the Chief Secretary had had only very scanty experience of Ireland; and, so far, the Irish people had no very particular reason to be enamoured of his administration; but——

MR. WARTON: Order, order!

THE CHAIRMAN: The hon. Member is not speaking to the question of Returns.

MR. DAWSON said, in view of the position he (Mr. Dawson) held as Lord Mayor of Dublin—representing, as he did, 200,000 people in the Irish Metropolis—he would ask the right hon. Gentleman the Chief Secretary to deign to give them some information of the searches that were being made, so that the vast police machinery that existed in the country might not be the means of causing new outrages by the arbitrary and outrageous manner by which they carried out the powers entrusted to them.

MR. LEAMY said, he hoped the right hon. Gentleman would answer the question just put to him. Perhaps the reason they had received no answer, or the reason the Home Secretary did not take part in the discussion, was that he felt that on this clause, at least, he was unable to come forward. It was said that if this Amendment was accepted it would render the clause unworkable; but were they to understand that the Government and the Attorney General for Ireland desired that in every case where a man's house was searched, whether arms were found or not, that man was to be considered guilty? He would ask the Chief Secretary—who would be the person who would have the carrying out of this Act—to give them the information they required. They asked for some solid reason for the passing of this clause and the rejection of the Amendment. He did not care what the object of this Act might be in the mind of the Government. They said it was for the prevention of crime—they asked these extraordinary powers for that purpose; and was it, then, too much for the House, who gave them these powers, to ask that they should be told how those powers were being carried out? He knew very well that the Government would be ashamed to give them the information, and that they wanted to be able to work in the dark. Hon. Members from Ireland were told that they could put Questions on the Notice Paper. Yes; he knew they could—Questions that would elicit little or no information. How were they to find out how the clause was worked? They were told that they could make Motions. So they could; but they knew that Motions were of no value whatever in that House. What they desired was that hon. Members should be able to find out whether the powers of the Bill had been carried out vexatiously, or whether they had been carried out properly and successfully.

MR. TREVELYAN said, he heartily concurred with his right hon. and learned Friend the Attorney General for Ireland in the course he had taken in this matter. With regard to this Amendment, there ought to be no doubt in the minds of the Committee. The Government were prepared to give the number of warrants, and to specify the districts; but they were not willing to give any further particulars. This clause was directed against political organizations. Crime was a secret thing that worked in an unexpected manner; and in some respects it ought to be met with its own weapons. The police were responsible to their superiors, and their superiors were responsible to the Executive Government, and the Executive Government would do their best to suppress this crime. On no other occasion in Ireland—or, so far as he was aware, in England—had details of such procedure been required, and one great reason for not assenting to the proposal consisted in the speeches of hon. Members. What were the speeches that had been delivered? The hon. Member for Ipswich (Mr. Jesse Collings) said there was nothing more abhorrent to the English people than this right of search, and the hon. Member spoke of this as a miserable clause. This was not the second reading of the Bill, or he should be disposed to say a few words as to his own view as to the opinions of the English and the Scotch people; but he might say, without the evidence of hon. Members opposite, that he should have been glad to argue that that feeling was as strong in those parts of Ireland which had returned Liberal Members. If this strong language was used with regard to a right of search, and hon. Members talked of inquisitorial police pulling women out of their beds, and then asked for the details of those searches to be laid before the House, that would leave on the minds of the police the idea that the House of Commons wished them to restrict their searches which were under a clause, which was, perhaps, no less important than any other provision in the Bill for detecting and putting down crime, against which this Bill was a declaration—and he believed a very effective declaration—of war.

Mr. SHEIL said, he did not see that when these Returns were made there would be no secrecy. All that was asked for was that the searches should be set out in the Return; they would be well known in the district, and, therefore, there would be no secrecy. He and his hon. Friends wished to have, in that form, the number of searches made, and the only argument against that proposal was that by the Attorney General for Ireland, and he was very much astonished to hear that the Chief Secretary cordially agreed with the right hon. and learned Gentleman. The argument of the Attorney General for Ireland was that these matters could always be raised by Motions and Questions; but the right hon. and learned Member ought to have remembered that before Parliament met in February next the right of raising such questions would be taken away by the Rules of Procedure.

Mr. MACFARLANE said, he could not understand why the Government resisted this proposal. The Return would be little more than a Criminal Return, such as was laid before Parliament from year to year; and he should have supposed that the Government, having asked for these extraordinary powers, would only have been too glad to present Returns which would justify this clause. The Government was in a very invidious position in asking for the clause, and he should have thought they would have desired to produce Returns which would show that their demand for this clause was justified. He had the utmost respect for the Chief Secretary, but he could not understand that right hon. Gentleman's contention, because its effect would be to leave the police absolutely free. The Return would only show that there had been so many thousands of domiciliary visits with such and such results; and, if the anticipations of the Government were correct, the Return would fully justify their demand; and upon that ground the hon. Member for Northampton (Mr. Labouchere) had suggested that there had been a waste of an hour because the Home Secretary refused to answer a plain question. The Chief Secretary, in consequence of that suggestion, had intervened somewhat early in this discussion and given his opinion; but that opinion was not fortified by a single argument. He had no desire that any criminal should escape from this or any other Act; but he had a strong desire that innocent people should escape unnecessary annoyance, and he appealed once more from the Chief Secretary to the Home Secretary.

Mr. GRAY said, the Chief Secretary seemed to thoroughly sympathize with the Home Secretary, and in that he had undergone a very material change since he had assumed his present Office, or else the anticipations of the Irish people, with reference to his advent to Office, were grievously wrong. The right hon. Gentleman said he was willing to give information as to the number of warrants; but did he really consider that such a Return would contain any information at all? What was the warrant which was to be issued? It was not to search a particular house; if it was, the number of such warrants would give some kind of information, but it was a general warrant for searching an entire district; and in that way one man might search one house, but another might search a great number of houses in the same district. The Return would give no information as to the manner in which the warrant had been used, or as to whether the powers of the Bill had been abused. The Irish Government were exceedingly ready, when it suited them, to lay voluminous Returns upon the Table; they presented large Blue Books, containing the fullest possible details of outrages or alleged outrages, even down to attempts to break windows or pull down walls. This they did not object to, nor did they object to the large totals of such cases which were to be used to the detriment of Ireland on the pretence that they were serious outrages; but when they were asked for information as to how exceptional powers under an exceptional Act had been used, they refused to give such information. The attitude of the Government in regard to this particular proposition made him more hopeless than ever with regard to any other portion of the Bill. They seemed to be determined to give no real consideration or concession to any arguments, no matter how well founded they might be. That was an extraordinary attitude for the Government to take up in regard to the only means by which the exercise of these extraordinary powers could be judged.

MR. SEXTON said, he had thought nothing could be more grotesque than the attitude of the Attorney General for Ireland, until he heard the speech of the Chief Secretary, whose argument appeared to resolve itself into this. One of the reasons why he could not accede to this Amendment was that speeches had been made in favour of it. A few nights ago the right hon. Gentleman gave as a reason for shortening the debates that when a Government had made up their minds it was no use talking, because they would maintain their position. That statement was intended to apply to Irish Members, and when he compared that speech with the right hon. Gentleman's speech to-day, he could only infer that the Chief Secretary desired to stifle debate upon this Bill. The Government would do whatever they had decided to do without hearing Irish Members. He referred to this matter for the purpose of protesting against that course, because the only inference he could draw from the right hon. Gentleman's speech was that he wished to stifle Irish Members by showing that it was no use for them to address the House. There was nothing more remarkable than the strong determination with which the Chief Secretary refused to give any facts in this case, although, on the night-arrests question, he voluntarily produced Returns to show that in 1870 a certain number of such arrests were made. On that occasion he (Mr. Sexton) had shown that the figures produced proved the opposite of the Chief Secretary's contention, and that of eight cases, seven were frivolous. The right hon. Gentleman seemed to have reconsidered the propriety of giving information; because, upon the clause relating to strangers, he forbore to give any information in regard to arrests; and now, on the Search Clause, although there were records in the Castle, he would not state whether this clause had been effective in past times. Why did he not refer to figures relating to any particular year to show how many searches the police made and how many were effective? If he had been able to show that this clause had been effective in the past, that would have been an argument for passing it now; but the inference, from his attitude, was that there was no evidence that this clause had been effective. What answer had the Attorney General for Ireland given to the hon. Member for the City of Cork (Mr. Parnell)? He said, if records were made with regard to searches under which nothing was found, the men concerned would be held by the public to be innocent. If that was not importing a tone of low comedy into the serious Business of the House, he did not know what it was. If the police had a continual power of search, and could go as often as they liked and make searches, and never found any arms, would there be any presumptive evidence? There was a great difference between "not guilty" and "not proven;" and, although "not guilty" meant innocence, yet the Attorney General for Ireland said the Scotch "not proven" system was not equivalent to "not guilty." And, although the Attorney General for Ireland would not consent to give these Returns, he said hon. Members could ask Questions and make Motions. Irish Members were sick and weary of asking Questions—["Hear, hear!"]—but if hon. Members thought that because they were weary of asking Questions they would cease to ask Questions, they were counting without their host, and making a great mistake. It was an intellectual comfort to ask Questions, even though no satisfactory answers were received. With regard to the Attorney General for Ireland, he should say that the utterances of a Sphinx were easier to understand than his answers. No doubt, hon. Members could make Motions; but the right hon. and learned Gentleman now opposed a general Motion, and the majority would follow him; so that to refer hon. Members to Motions was simply to refer them from one difficulty to another. The object of this Amendment was that Parliament should be able to take cognizance of the powers they granted; but the silence of the Home Secretary on the past effect of this clause convinced him that the object of refusing this Amendment was to put into the mind of every policeman a feeling of complete impunity—a feeling that he was safe from investigation and punishment, whatever he might do under the clause; and that whether or not he found arms, or ammunition, or documents, or instruments, yet, if he worked diligently and intruded into the houses of a great many people, and so created the feeling which the Government desired to create, he was quite free from investigation. If these Returns were granted the House would be able to see, first, whether any officer in Ireland exercised his power wantonly and without discretion, and then they would be able to see, by comparing the searches with the results, whether such an officer had acted on private pique, or anonymous letters, or without a due examination of the information given to him. The knowledge that this House would be able to criticize the action of such an officer would have a salutary effect. In the first place, by these Returns, Parliament would be able to do what it did with regard to every other Act. When the House passed an Act of Parliament the Government presented Returns from time to time, showing the operation of the Act, so that the House might judge whether the Act should be continued, repealed, or amended; but this Act was intended to be exercised in the dark, and it was intended to give complete impunity to the police; and, therefore, the Government did not wish any such information to be laid before the House. The House was entitled to know how many searches had been made, and to see whether the number had risen or fallen each year, and whether successful results had risen or fallen; and so to test whether the situation had become more acute or not. The Government were acting in this matter in a way which showed that they were making a dupe of the House of Commons.

The CHAIRMAN: The hon. Member has no right to make imputations upon Members of the Government.

MR. SEXTON said, he was not referring to individual Members of the Government, but to the Government as a whole; and he submitted that he was entitled to criticize the Government as a whole. By refusing to lay on the Table from year to year evidence of the manner in which this Act was worked they were treating the House with contempt.

MR. T. D. SULLIVAN said, he wished to know why the Government desired to keep the Committee in the dark with regard to this Act, as they evidently did wish. The Committee had a right to claim from the Government the fullest information upon every subject with which the Government had to deal, both at home and abroad. With regard to affairs in Egypt, the Government would give full information at the earliest possible moment to the House; and with regard to affairs in Africa, they were ready to give all the information they could, at the earliest possible time. Upon those matters, Blue Books and despatches were presented; but with regard to this most serious matter, as to the operation of this terrible Act in Ireland, the House was to be kept in the dark? He wished to know whether the House would submit to that. Did any hon. Member suppose that under this oppressive Act the most extreme and hurtful measures would not be resorted to against the people? Did anybody suppose the Act would be allowed to become a dead letter? Did not everyone know that the police would go to work, immediately the Queen's consent was given to the Act, to make raids upon the people, ravage their homes, and turn their places upside down? It might be very amusing to English Members that the homes of Irish peasants should be invaded morning, noon, and night, by the police, but it would not be amusing to the victims; and the feelings that would arise in their minds, through being subjected to such outrages, would, in one form or another, some day inevitably find expression. With regard to the Coercion Act, very minute Returns were laid before the House showing the names of the persons arrested, and other particulars, together, to some extent, with the reasons for the arrests. Why should not the same good example be adopted in this case? Why should not Returns be made giving the names of the persons whose houses were searched, and the results of the searches? Was that too much enlightenment to give to the House of Commons? Was it too much for the House of Commons to expect? Would the House be satisfied to leave all this work to be carried on in the dark? There was to be secrecy from first to last; there was to be impunity to the police to make searches and seizures, and to commit what might be in some cases outrages without any right of appeal against them, either for justice or compensation, for wrong and harm done to the people. That had been already decided. The police were to be free to make such raids as they chose, and do as much damage as they pleased to the people, and the people were to have no right of appeal against such treatment. Not only were the policemen to have their impunity, but the Executive in Ireland were not to be compelled to give any statement as to their conduct. What would happen under this state of things? If the Government wished to get up a rebellion in Ireland they were going the right way about it, by passing such measures as this under existing circumstances. Why should not light be let in on the conduct of the Government, so that the House of Commons, and England, and Europe, and America might see how they were dealing with the people of Ireland? If they were able to say that their acts would bear the light of day in Ireland, and that they were acting as a Government ought to act, why should they refuse this demand to present periodical Returns showing that they had done good under cover of this Act? It was said that Irish Members could challenge these results by Questions. He remembered that when the Coercion Bill of last year was being passed it was said they could challenge its operation upon the floor of the House, and he, being a young Member then, was foolish enough to suppose that meant something; but after further experience in the House, he found that it meant absolutely nothing, except that it was open to them to move a Vote of Want of Confidence in the Government. What was the value of a Question? The Question was placed on the Paper, and the Clerk at the Table revised it, and in many cases—he supposed quite properly—struck out what was supposed to be outside the Question. The Member might put his Question, but would receive a brief and curt answer from some Member of the Government, and upon that answer no discussion could be raised. So the matter ended, and that Irish Members were asked to consider as the means of challenging the action of the Government. When the Prime Minister was asked about this matter one evening, he said the Government were acting upon their responsibility, and hon. Members might bring them to account, if they chose, by moving a Vote of Want of Confidence; but that was a very safe challenge for the right hon. Gentleman to make. He urged the Committee to agree to this proposal, in order that they might know what was being done in regard to searching houses under this Act, and that they might know the names of the occupants of the houses and the results. What harm would accrue to the cause of good government in Ireland from having such information before the House? Would not every hon. Member feel himself better able to judge of the condition of Ireland if he had such Returns before him? And would not everyone be so much the wiser, and so much the more competent to judge of the right or the wrong action of the Government? It was undeniable that such information would be useful to Irish Members, and to Members on all sides of the House. Withholding such information was suspicious in the House, and dangerous in regard to Ireland. In every district in Ireland where searches were made the people would know very well what had been done. They would know where wrong had been committed—if wrong had been committed—and the feeling of exasperation resulting from that wrong would spread among the people, and the country would seeth with excitement. If wrong was done, and improper and cruel searches were made by the police, the knowledge of those searches would spread among the people, and the feeling created by those acts would be intensified by the fact that while such acts would be notorious in Ireland the House of Commons would be kept in ignorance of them. Was it desirable that the House should be kept in ignorance of the working of this Act? Such a course would be a serious mistake.

MR. MAC IVER said, he regarded this proposal as perfectly reasonable from any point of view. The House ought to be informed as to how little and how much the Government were likely to accomplish by this Act. He entirely distrusted Her Majesty's Government. The powers they asked for might be right and proper to place in the hands of an Executive which could be trusted; but to give this Government these powers was like placing firearms in the hands of children. The present Government had no policy.

The CHAIRMAN: The hon. Member must not speak in general terms of the Government, but only upon the Amendment before the Committee.

MR. MAC IVER said, he thought the Government ought to tell the House periodically what they were doing, because he believed that one day they might be too lax, and another day too severe. He really believed that Her Majesty's Government had no policy and could not be trusted; and for these reasons he cordially supported the Amendment.

MR. P. A. TAYLOR said, he regretted some of the observations made by the Chief Secretary, because they seemed to be wanting in the Liberal spirit which would have enabled him to meet the case of the Irish Members. He had been eager to hear what the right hon. Gentleman's opinion was, because, hitherto, he had been unable to gather any reasonable excuse for the refusal by the Government to give the Returns asked for as to the searches for, and seizures of, arms; and the observations of the right hon. Gentleman had convinced him of the reasonableness of the demand. What did the Chief Secretary say? He said what ought to be done was to put down crime, and that criminals were to be met with their own weapons. He (Mr. Taylor) should have thought that the mode in which they ought to treat criminals, however much it might be tempered with severity, would, at least, be one of justice, impartiality, and great care, in order that the wrong persons should not be struck at. The right hon. Gentleman, however, said criminals would have to be struck at with their own weapons, and that meant brutally, carelessly, and indiscriminately. The right hon. Gentleman also said that if this provision was not given as it stood, the police would not feel that they had the Government behind them. The restriction proposed, however, he thought a most desirable one, because, in extraordinary circumstances, such as those existing in Ireland, the far greater part of the injury was done by brutal and ignorant subordinates; and it was necessary that anything done by those subordinates should be made known to the public. Therefore, he thought the present demand most reasonable.

Question put.

The Committee *divided*:—Ayes 57; Noes 242: Majority 185.—(Div. List, No. 167.)

On Question, "That the Clause, as amended, stand part of the Bill?"

MR. REDMOND said, he most earnestly objected to the clause. He had a full sense of the value of the concession made by the Prime Minister; but that concession did not sensibly diminish his objection to the principle of this clause. The concession made by the Home Secretary had been frankly accepted by his hon. Friends, and, so far as it went, they gave credit to the Government for making that concession; but it was preposterous to suppose that because a concession was made upon one part of the clause they were not to strive to amend the clause upon every other portion which they thought objectionable. Their objection to this clause was twofold. In the first place, they believed it was absolutely useless for the purposes for which it was intended, and upon that point they challenged the Government. This clause was similar to a power long possessed by the Government in Ireland; and before the Government could justify a claim for a renewal of that power they were bound to show that the power previously possessed had been efficient for the prevention of crime. Of that, however, they had had no actual demonstration; they had had no figures adduced to show that, in the past, this power had been of the slightest value in Ireland. Every man who desired to commit assassination would obtain the weapons for his fell purpose, no matter what powers the Government might obtain; and it was ridiculous to suppose that, by a clause of this kind, the Government would be able to disarm assassins in Ireland. Under the Arms Act of last year searches were extensively made in Ireland, and he did not know any portion of the coercive policy of the Government which had produced a worse effect in Ireland than the powers exercised under the Arms Act. Large bodies of police had gone over whole districts and searched every house within those districts, and yet there was no information to show that they had been able to lay their hands on any arms. The Home Secretary seemed to object to an Amendment that had recently been proposed for the purpose of having the names of men whose houses had been searched, together with the result of those searches, presented to Parliament, on the ground that if the names of such men were submitted to the House it might be held that because the searches had been made without any result, therefore the men were innocent. Surely, if a search was made and no arms were found, the man whose house was searched was innocent, at all events, of the suspicion which the police entertained. The police, in such a case, would have acted on the suspicion that the man possessed arms; but if no arms were found, surely it was right to regard such a man as innocent. Every safeguard of the right of search, which the Irish Members had endeavoured to get inserted in the clause, had been refused. He could see no more reasonable demand than was made by them in the recent Amendment. As the matter now stood, this clause might be used by the Government entirely in the dark; they might search houses all over the country, and the House of Commons was to be kept in absolute ignorance of the manner in which the searches were carried out and of the results which ensued. It was intolerable that police officers in Ireland were to be armed with power to make searches wherever and whenever they chose, and they were not to be called to account by the Representatives of the people in that House. No doubt the police would be accountable, as the Committee had been told, to the Executive Government, and the Executive Government were responsible to that House. But, as had been pointed out by the hon. Member for the City of Cork (Mr. Parnell), what was the use of the Executive Government being responsible to that House when that House, could not have information in its possession as to how the Executive Government carried out its powers? He and his hon. Friends objected to this clause, firstly, because similar clauses in the past had proved to be inefficient, and because they were justified by the history of the past in prophesying that the clause would be absolutely useless. But they had a second objection to the clause, and it was to be found in the irritating influence which its existence must have on the minds of the peaceable people of Ireland. The Irish Members were reproached the other night for opposing this Bill, and for not making some suggestions as to how crime could be suppressed in Ireland. There were no men who desired more than they did that disturbance in Ireland should be put down; there were no men more anxious than they to see the Government take a course of action which would tend in that direction; but it was because they knew that the exercise of the arbitrary power contained in this clause was one of the very things which would tend to create the state of feeling which produced crime that they opposed the clause, and found it their duty to endeavour in every way to amend it. The whole effect of a coercive policy in Ireland had, generation after generation, been proved to be in the direction of crime. Crime and outrage in Ireland this time last year was not half as terrible as it was to-day. What was the reason? The country was in a comparatively peaceable condition before the Government exercised the power of search and other arbitrary powers which were entrusted to them under the Coercion Act; the Government insisted upon obtaining their Coercion Act last year; they insisted upon depriving the people of the restraining influence of the action of their leaders; and the result was seen in the condition of Ireland for the last few months. He was very deeply impressed with the uselessness of Irish Members speaking at all in the House of Commons. ["Hear, hear!"] Hon. Gentlemen cheered that remark; but could hon. Gentlemen know what the effect of that cheer must be on the minds of the people of Ireland? He and his hon. Friends were sent by the people of Ireland to represent them, and to endeavour, according to their lights, to get justice done for Ireland in that House; and when hon. Members cheered him when he said it was useless for Irish Representatives to speak in the House of Commons, did hon. Members not know that the effect of that cheer must be to convince the Irish people of the truth of the statement that Irish Members had no influence here, that the people of Ireland were, so far as the decision on any Bill was concerned, practically unrepresented, and that Parliamentary representative government in respect to Ireland was nothing but a sham. The voices of Irish Representatives were unheeded; their endeavours to amend clauses like the present were voted down by English and Scotch Members; and when they expressed the belief that it was useless for them to advance their opinions in the House, they were met with the encouraging cheers of hon. Gentlemen representing English and Scotch constituencies. He warned the Government and their supporters that they were traversing the road at the end of which they would find anarchy, and murder, and assassination of a worse type than any they had yet met with. He was convinced that the operation of this clause would excite in the minds of the ignorant people of Ireland feelings more bitter towards England, and towards the Government of England which ruled their land, and over which they had no influence, than any they had yet entertained. He would say, in conclusion, that if he were a man who desired to bring about interminable discord between England and Ireland, if he were a man who desired by desperate courses to prevent the possibility of ever bringing about conciliation between the people of the two countries, he would support the Government in this Bill; he would support them in endeavouring to get the powers they sought under this clause. It was because he was anxious for the peace of his country, it was because he was ashamed of the excesses into which the Government had been able to drive his fellow-countrymen, it was because he felt keenly the present condition of Ireland, that on this occasion he spoke strongly. The Government were taking the worst action they possibly could, and he felt it his duty to oppose this clause. He wished his voice could be effective; he wished there were some means whereby he could make his opinions felt by the English and Scotch Members who were supporting the Government. He despaired of making any impression upon those Members; he felt that the opinions and arguments of the Irish Members had no weight with them; he felt they were determined to follow, once again, the Government along the path of coercion, and he could only say that a day would come—and it was not very distant—when those Members would find that the course they were now pursuing would not result in occasional assassinations in Ireland, but would result in a state of public feeling in that country which would make government a thing quite impossible. Although he did not desire to see the independence of his country obtained in that way, still the result might be one which would not make him regret the mad and infatuated course which he believed the English Government were now adopting.

Mr. JOSEPH COWEN said, the subject had been thrashed out during the prolonged discussions, and he had no wish to detain the Committee by any elaborate argument against the clause. He, however, wished, as an English Member, to record his protest against its irritating provisions. There was no clause in the Bill calculated to produce more bitter feelings against this country, and none less calculated to produce what the Government wished. English Members did not realize the effect of the operation of the clause. He was satisfied, if they only thought the matter over seriously, they would not support the clause in the manner they now did. The clause would be made the means of the greatest oppression by the police in the distant parts of the country, where there was no control over them; it would unquestionably be used vindictively and capriciously. He believed that persons acquainted with Ireland would admit there was no one thing the people protested against more determinedly and consistently in the coercive policy adopted towards their country than these powers of arbitrary interference in domestic arrangements by the police. A man could easily forgive an injury, and, if he was a generous man, he would soon forget it; but no man was ready either to forgive or forget an insult. And the police used the power that this clause conferred to insult worthy, well-meaning, inoffensive people. Like little Jacks-in-office, they strained their powers to magnify themselves and to punish those against whom they had, or supposed they had, a cause of grievance. The Irish peasantry, like every other class, had their faults; but they were the most virtuous people in the world; and it was an outrage upon their domestic life to have policemen breaking into their houses at midnight and subjecting their women and children to wanton indignities. The Prime Minister had made a concession on this clause. He recognized it fully; but he feared that when the concession came to be put into words it would be found that what the Irish Members meant and what the Prime Minister meant was somewhat different. But it was unnecessary to debate that now, as it would come up afterwards. While admitting the concession, he still resisted the clause, even with it. It did not strike at its worst features. The hon. Member for New Ross (Mr. Redmond) had complained of the blind manner in which English Liberals were supporting the Government on this Bill. He sorrowfully admitted the justice of the criticisms. It was to him, as an English Radical, a source of humiliation and astonishment to see professing Liberals trampling underfoot every semblance of the principles through which they had passed to power. But he knew it was useless remonstrating. They were hopelessly bound to the Government, and they would vote as they were told. They might as well sing Psalms to the parish pump as to apply arguments to the ruck of the Party that sat behind the Ministry. They had passed the region of reason and argument. They did not listen to what was said, and they did not take the trouble to understand either the Bill or the Amendments. They left the House nearly empty while the discussion was going on, and only crowded into the doors when the division bell was rung. The Whips told them whether they were "Ayes" or whether they were "Noes;" and, like a flock of sheep, they followed their Leaders either into one Lobby or into the other. It was a waste of time to try to convince them of the justice of the cause he was pleading; but, nevertheless, it was the duty of those who conscientiously believed that the Bill would make matters in Ireland worse instead of better, that it would promote crime instead of preventing it, to fight every section, and, if necessary, every line, to the last—to fight it honourably according to the Rules of the House and the regulations of gentlemanly debate; and to do that he, for one, was determined, come what might.

Question put.

The Committee *divided:*—Ayes 259; Noes 45: Majority 214.

AYES.

Acland, C. T. D.
Acland, Sir T. D.
Alexander, Colonel
Allen, H. G.
Allsopp, C.
Anderson, G.
Armitage, B.
Aylmer, J. E. F.
Bailey, Sir J. R.
Balfour, J. B.
Baring, T. C.
Baring, Viscount
Barnes, A.
Barran, J.
Barttelot, Sir W. B.
Bass, Sir A.
Bass, H.
Baxter, rt. hon. W. E.
Biddulph, M.
Blackburne, Col. J. I.
Bolton, J. C.
Borlase, W. C.
Bourke, rt. hon. R.
Brand, H. R.
Brassey, H. A.
Brassey, Sir T.
Bright, rt. hon. J.
Brinton, J.
Broadhurst, H.
Broadley, W. H. H.
Brodrick, hon. W. St. J. F.
Brooks, W. C.
Brown, A. H.
Bruce, Sir H. H.
Buchanan, T. R.
Caine, W. S.
Cameron, D.
Campbell, J. A.
Campbell, Lord C.
Campbell, Sir G.
Campbell, R. F. F.
Campbell-Bannerman, H.
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Clause 12 (Application of Alien Act to aliens in Ireland).

Amendment proposed,

In page 6, line 35, after the word "realm," to insert the words "and which said Act is set out in Schedule 2 hereto."

Amendment *agreed to.*

Mr. HEALY said, the object of the next Amendment, which stood in his name, was to limit the operation of the Act from three years to one year. It was only fair that when the Committee were asked to consent to the revival of so old and rusty a weapon of coercion they should have some opportunity how it would be applied before they sanctioned its use for so long a period as three years. If at the end of a year the Government found it was necessary that they should still have the power to cause the expulsion of foreigners from the country, it would be the simplest thing in the world to include the Alien Act in the Expiring Laws Continuance Bill. The Government were well aware that the Alien Act was passed at a time of great public commotion. It was passed not in the partial manner proposed in this clause, but it was applied in 1848 to England as well as to Ireland. After the Home Secretary had made his speech on the second reading of the Bill, he (Mr. Healy) stated that he would not have any very strong objection to the revival of the Alien Act, provided the renewal were extended to

England as well as to Ireland; and if the Government would now consent to extend the operation of the Alien Act to England as well as to Ireland he would withdraw his Amendment. In London, under the very nose of the Home Secretary, Socialistic and Nihilistic secret societies existed; but, instead of taking any notice of them, the right hon. and learned Gentleman crossed over to Ireland, where there was no evidence at all of the incursion of these objectionable foreigners, to put the Alien Act in operation, leaving England completely out in the cold. No harm could possibly be done by the application of the Alien Act to England as well as to Ireland. ["Hear, hear!"] He was very glad to find the opinion of the Committee so strongly favourable to such a proposition. He did not know whether it would be in Order to propose an Amendment with that object—perhaps some English Member would take the task in hand, if such Amendment were within the scope of the Bill. Upon the statement of the Government that they were willing to extend this clause to England as well as to Ireland the Committee might fairly get rid of this discussion.

Amendment proposed,

In page 6, line 36, to leave out from the word "for," to the word "Act," in line 37, and insert the words "one year."—(*Mr. Healy.*)

Question proposed, "That the words 'the same period as this Act' stand part of the Clause."

MR. MORGAN LLOYD said, he did not rise to speak on this Amendment, but simply to inform the hon. Gentleman (Mr. Healy) that an Amendment providing for the extension of the Alien Act to England was the next in order, and would be moved by him (Mr. Morgan Lloyd) in due course.

MR. DILLON said, this clause proposed to re-enact an exceedingly odious Statute which was passed in 1848. Now, the Alien Act consisted of eight clauses, some of which were very long. When the Government complained of the Irish Members discussing this Bill at considerable length, they seemed to forget that some of the clauses of this Bill were, in fact, Acts in themselves, and Acts of a very stringent character. The first point to which he wished to direct attention was that the Alien Act, which was a measure thoroughly odious to the Members of the then English Government, and opposed to the general traditions of the English people, was passed at a time when a large number of people in Ireland——

MR. HENEAGE rose to Order. Had the hon. Gentleman's (Mr. Dillon's) remarks any bearing upon the Amendment, which had reference to the length of time during which the clause was to operate?

THE CHAIRMAN: The hon. Member for Tipperary (Mr. Dillon) is aware that he cannot discuss the whole clause upon an Amendment; but I think he was only making a reference.

MR. DILLON said, if the hon. Member (Mr. Heneage) had been a little more patient he would have seen he (Mr. Dillon) was strictly in Order. When he was interrupted by the hon. Gentleman, he was proceeding to point out that the Act, which they were now asked to re-enact for the space of three years, was proposed in 1848, under circumstances of even greater public danger than Parliament was now confronted by. In 1848, when an attempt had been made to levy war in Ireland against Her Majesty, when it was notoriously known, and made public, that a large association of men in America had collected a large sum of money, with the avowed purpose of equipping an expedition and sending troops to invade Ireland, and when agents were being sent from revolutionary societies abroad to assist the insurgents at home, the Alien Act, designed to meet that extraordinary state of things, was passed for one year. Now, when there was no evidence laid before the Committee of any attempt to levy war against Her Majesty, when there was no attempt to equip a force to invade Ireland, when there was no talk of rebellion, and no fear of it, except in the minds of a few alarmists, they were asked to re-enact the Alien Act for three years. The Government were bound to show their reasons for such a proposal before they could expect the opposition to the clause to be withdrawn. He must, of course, submit to the Chairman's ruling; but he must confess he was somewhat surprised to hear the Chairman state that he was not entitled, on the question of the re-enactment of the Alien Act, to allude to the provisions of that Act. He heard the statement with surprise, because it seemed to him that, in considering whether the Alien Act should be renewed for one year or for three years, it was right and proper they should consider what the provisions of that Act were. One of the strong objections he had to the clause was that it would practically make Ireland similar to a Continental country when, some years ago, no man could enter or leave a country on the Continent without a passport. This clause would operate against travellers; and, therefore, it was important to consider whether so stringent a measure should be passed for so long a time as three years. There was another consideration which might influence the Committee in deciding whether they were going to put Ireland under the provisions of the Alien Act for three years, and that was the extraordinary way in which the Lord Lieutenant was called upon to act under the clause. If the Lord Lieutenant should have reason to believe, from information given to him in writing by any person subscribing his or her name, that for the preservation of the peace and tranquillity of the country it was expedient certain aliens should be removed, he could order their removal. Such an arrangement reminded him of that which was in force in Venice some time ago, for there a man had only to subscribe his name to a strip of paper, on which it was shown that a certain person was dangerous to the public safety, and thereupon that certain person was deported. So, in the case of Ireland, an individual had only to write to the Lord Lieutenant, stating that he believed so-and-so was an alien dangerous to the public safety, and upon such insufficient grounds the Lord Lieutenant could put the Alien Act in operation. The Lord Lieutenant could require a man to leave the country within a limited time; but there was no statement in the Act as to what that limit of time might be. An alien might be required to leave the country within 24 hours; and if he did not do so, he was to be held guilty of a misdemeanour and subject to one month's imprisonment for the first offence, and 12 months' imprisonment for the second and subsequent offences. The Alien Act was an exceedingly odious and stringent Statute, and the Government were bound to inform the Committee on what ground they asked its re-enactment for three years, remembering as they must that when, in 1848, there was actually an attempted rising in Ireland, the Government of the day only asked that it should be enacted for one year.

Sir H. DRUMMOND WOLFF said, he differed from the hon. Gentleman (Mr. Dillon), because he considered that this enactment would be of no use at all unless it was to operate for three years. Last year, on the third reading of the Protection of Person and Property Bill, he (Sir H. Drummond Wolff) ventured to make the remark that if any American citizens were arrested under the Act, no doubt the United States would insist upon a public trial; and he then appealed to the Government to introduce with respect to foreigners an Act like the Alien Act. He conceived that Foreign Governments would allow their subjects to be dealt with by the Common Law, but that they would not let them be dealt with by any law which mixed up the Executive with the administration of justice. Under the Protection Act, the Executive were mixed up to a certain extent with the administration of justice, inasmuch as the Lord Lieutenant might decide by what kind of tribunal the accused person was to be tried. What he wished to show was this—that the Government had considerable difficulty lately—at least so he understood—as to the American subjects who had been imprisoned under the Coercion Bill, and who had declined to be liberated on the condition that they should leave the country. Now, under the circumstances, and under the great public emergency of the time being, he conceived the Coercion Acts, though they might be harsh, were absolutely necessary to maintain the peace of Ireland; and he could not conceive, by any process of reasoning, how the Alien Act could be re-enacted for a shorter period than was now proposed in the Bill under discussion. He therefore trusted the Government would be firm on this subject, because the clause was one which was likely to protect them from very disagreeable misunderstandings, both with the United States and other countries. Later, when the time came, he should be prepared to support the proposal that the provisions of the Alien Act be extended to this country. As the case now stood, he must differ with the hon. Member for Tipperary (Mr. Dillon), because the provision would be utterly useless unless it were made co-existent with the duration of the Bill.

SIR WILLIAM HARCOURT said, he hoped they might now decide this point, whether it was necessary that the provision with respect to aliens should be co-extensive with the other provisions of the Bill. No doubt, this clause was a very unusual one; but the Government believed that a great part, he might almost say the greater part, of the mischief done in Ireland was due to foreign agencies. It was as desirable that these foreign agencies should be dealt with during the period the Government thought it right to recommend that this Act should remain in force, as that any of the other provisions of the Act should be proposed. The hon. Member for Tipperary (Mr. Dillon) had said that, in 1848, the Alien Act was passed for one year. That was true; but at that time an Act of Parliament did not take a whole Session to pass. At that time the House of Commons were in the habit of dealing reasonably with the questions brought before them; but now a time had been reached when the arts—he would not say of Obstruction, he would rather use some less obnoxious term—when the arts of procrastination had been carried to such a point, that if it were desired to renew an Act, it must be reckoned that the renewal would occupy the whole Session of Parliament. That seemed a conclusive reason for extending the operation of the Alien Act to three years.

MR. SEXTON said, the speech of the right hon. and learned Gentleman the Home Secretary was interesting, for it had brought a new term—namely, "procrastination"—within the region of political phraseology. A few days ago the right hon. and learned Gentleman professed great admiration for Earl Grey, who, speaking of coercive powers, had said that the Representatives of the people ought to have the earliest opportunity of revising and considering the exercise of such extreme powers. The Government of the Whig statesman whom the right hon. and learned Gentleman so much admired laid down the cardinal principle that, with reference to restrictions of individual liberty, the Representatives of the people assembled in the House of Commons should have the earliest possible opportunity of re-examining the whole subject, and of considering whether the extreme powers in the Executive had been wisely used. Would the Committee observe that this clause differed fundamentally from many of the other proposals in the Bill? Because, whereas many of the other proposals were for the enactment of powers which were, unfortunately, too familar to the Irish people, this clause was proposed in order to revive an enactment which was never resorted to except on one occasion, and that an occasion of extraordinary danger. The Alien Act was passed in 1848. Many parts of Ireland were then in a state of practical insurrection, and the Executive were confronted by an armed rebellion—the movement then was political and not social. Notwithstanding the extreme gravity of the occasion, the Government of the day simply proposed that the Act authorizing the removal of aliens should remain in force for one year, and to the end of the then Session of Parliament. That was following the maxim of Earl Grey; it was following the maxim which had governed English statesmen from all time. What was the proposal now before the Committee? Why, that Parliament, when it had once placed these extraordinary powers in the hands of the Executive, should not be able to say a word on the subject for three years to come. At this moment three distinct functions were possessed by the Government—namely, Executive, Legislative, and Judicial; and, surely, if it was only necessary to enact the Alien Act for one year in the presence of an open rebellion, why was it necessary to re-enact it now for three years, when the movement against which the Act was aimed was but a social one? He could not conclude his remarks without referring to the suggestion of his hon. Friend the Member for Wexford (Mr. Healy), that because there was a law about to be passed against aliens in Ireland, it would be well to extend the law to England. He (Mr. Sexton) was not of that opinion. Two wrongs could never make one right. It was a pity that aliens in Ireland should, because of the unfortunate dispositions of the English Government towards that country, be driven away; but he could never put that forward as a reason why aliens—peaceable and industrious men—in other countries should be subjected to the same treatment. He should, upon the broad principles of liberty, protest against the application of this clause to England, though it might be applied to Ireland.

Mr. DAWSON said, that an Industrial Exhibition was now being got up in Ireland. That Exhibition had been "Boycotted" in the most severe manner by the landlord class; and the deliberative effect of this clause would be to chase from Ireland, on mere information given to the Lord Lieutenant, anyone who sympathized with the present industrial movement. He had no hesitation in saying that one of the objects of the clause was to stop the Industrial Exhibition, on which the Irish people set such store; that this Act was one to stop the industries and enterprize of Ireland he was convinced. In the name of the industrial classes he must enter his protest against this clause and against this Bill. From an Imperial point of view this was a dangerous clause. He hoped that the aliens who were in Ireland would remain there, and he hoped that strangers would come from foreign countries to Ireland to support the people in their industrial enterprize, which many people calling themselves Irish had refused to support. It would, indeed, be a perilous thing if the Government attempted the deportation of any such strangers.

Dr. COMMINS said, this clause proposed an experiment of a very dangerous kind. He would like to know how many Members opposite who blindly followed the Government had gone to the trouble of reading the Alien Act? He ventured to say, if a Return were laid on the Table of the House, it would be found that not five hon. Gentlemen had ever read that Act. Of course, it was not necessary that hon. Gentlemen should be acquainted with every expired Act; but surely it was requisite they should know something of an Act it was proposed to re-enact by a sort of side-wind, as in this instance. He would not say anything as to the extraordinary manner in which the Act could be put into operation by the Lord Lieutenant; but he would say that he doubted whether, in the present state of affairs, it was desirable, from an Imperial point of view, to open the door for further complications with foreign countries. If Parliament re-enacted this Act, it was just possible that America and France and other countries might take it into their heads to pass an Alien Act in order to expel from their countries any English residents they might consider troublesome. The arrest of three or four aliens in Ireland under the Coercion Act of last year had led to complications, the gravity of which they, in the House of Commons, had no conception. There was no doubt that complications of a very serious character arose between the Government of Her Majesty and the Government of Washington in consequence of the arrest of American citizens; and it was very probable that if the powers of this clause were exercised in regard to Americans, the complications under the Act of last year might be mere trifles in comparison with the complications which might arise hereafter.

It being a quarter of an hour before Six of the clock, the Chairman left the Chair to report Progress; Committee to sit again *To-morrow.*

MOTION.

LABOURERS' COTTAGES AND ALLOTMENTS (IRELAND) BILL.

On Motion of Mr. Villiers Stuart, Bill to amend and extend the provisions of "The Land Law (Ireland) Act, 1881," relating to Labourers' Cottages and Allotments, *ordered* to be brought in by Mr. Villiers Stuart, Sir Patrick O'Brien, Sir Hervey Bruce, Colonel Colthurst, Mr. Blake, and Mr. O'Sullivan.

Bill *presented,* and read the first time. [Bill 212.]

House adjourned at ten minutes before Six o'clock.

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LONDON: CORNELIUS BUCK, 22, PATERNOSTER ROW, E.C.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

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When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

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(*Mr. Secretary Childers, The Judge Advocate General, Mr. Campbell-Bannerman, Mr. Trevelyan*)
c. Read 3° * *June* 5 [Bill 183]
l. Read 1ª * (*Earl of Morley*) *June* 6 (No. 119)
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Baths and Washhouses Acts Amendment Bill
(*Mr. Stanhope, Mr. Chaplin, Mr. Gorst*)
c. Ordered; read 1° * *June* 14 [Bill 201]
Read 2° * *June* 21

Bentinck, Right Hon. G. A. F. Cavendish, *Whitehaven*
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Biddell, Mr. W., *Suffolk, W.*
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Bills of Exchange Bill
(*Sir John Lubbock, Mr. Cohen, Mr. Lewis Fry, Sir Hardinge Giffard, Mr. Monk*)
c. Report of Select Comm. * *June* 21 [No. 244]

Bills of Sale Act (1878) Amendment Bill
(*The Lord Coleridge*)
l. Read 2ª, and referred to a Select Comm., after short debate *June* 19, 1545

BIRKBECK, Mr. E., *Norfolk, N.*
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North Sea Fisheries Convention—Ratification, 1756

Blackburn Improvement Bill (*by Order*)
c. Moved, "That the Bill, as amended, be now considered" (*Sir Charles Forster*) *June* 19, 1559
Amendt. to leave out from "That," and add "it is inexpedient to proceed with the consideration of the Improvement Bills, or any of them, included in the Reference to the Committee on Sanitary and Police Clauses of March 13th 1882, unless such portions thereof as create local Sanitary or Police Law exceptional to the Law of the Realm be omitted therefrom" (*Mr. Hopwood*) *v.*; Question proposed, "That the words, &c.;" Moved, "That the Debate be now adjourned" (*Mr. Pugh*); after short debate, Motion withdrawn; Amendt. withdrawn
Original Question put, and agreed to; Bill considered

BLAKE, Mr. J. A., *Waterford Co.*
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Boiler Explosions Bill
(*The Earl of Derby*)
l. Committee * *June* 12 (Nos. 85-129)
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BRIGHT, Mr. J., *Manchester*
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BRINTON, Mr. J., *Kidderminster*
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BRUCE, Sir H. H., *Coleraine*
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BRYCE, Mr. J., *Tower Hamlets*
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Prevention of Crime (Ireland), Comm. *cl.* 4, 417, 418, 421, 423; Amendt. 595, 604, 607
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BUTT, Mr. C. P., *Southampton*
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Collings, Mr. J., *Ipswich*
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Colthurst, Col. D. La Zouche, *Cork Co.*
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Commonable Rights Bill
(*Mr. Cheetham, Mr. Bryce, Mr. Buxton*)
c. Moved, "That the Lords Amendts. be now considered" *June* 6, 361; Moved, "That the Debate be now adjourned" (*Mr. Warton*); after short debate, Question put, A. 16, N. 38; M. 22 (D. L. 115)
Original Question put, and agreed to
l. Royal Assent *June* 19 [45 *Vict.* c. 15]

Commons Regulation Provisional Orders Bill (*The Lord Rosebery*)
l. Royal Assent *June* 19 [45 *Vict.* c. xxvii]

Contagious Diseases (Animals) Acts—Prosecution at Sleaford
Question, Mr. Heneage; Answer, Mr. Mundella *June* 12, 808

Conveyancing and Settled Land Bills
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Coolies (Indian)—Emigration to La Réunion
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Coope, Mr. O. E., *Middlesex*
Science and Art—National Gallery, 1262;—Hamilton Palace Collection, 1274

Copyright (Musical Compositions) Bill
(*Mr. Gorst, Mr. Arthur Balfour, Mr. Beresford Hope, Viscount Folkestone*)
c. Read 2° * *June* 14 [Bill 161]
Committee; Report *June* 19, 1715
Considered *; read 3° *June* 20

Copyright (Works of Fine Art, &c.) Bill
Question, Sir H. Drummond Wolff; Answer Mr. Hastings *June* 5, 71

Corbet, Mr. W. J., *Wicklow Co.*
Ireland—Poor Law—Election of Guardians for the Killenkey Division — Rathdrum Union, 1238
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Corn Returns (No. 2) Bill
(*Mr. Chamberlain, Mr. John Holms*)
c. Ordered; read 1° * *June* 6 [Bill 193]
Read 2°, after short debate *June* 8, 610
Moved, "That this House will, upon Monday next, resolve itself into the Committee on the Bill"
Amendt. to leave out all the words after "That," and add "the Bill be referred to a Select Committee" (*Mr. John Talbot*); Question, "That the words, &c." put, and agreed to
Main Question put, and agreed to; Bill committed for Monday next
Committee *—R.P. *June* 13

Corry, Mr. J. P., *Belfast*
Prevention of Crime (Ireland), Comm. *cl.* 5, 1076
Protection of Person and Property (Ireland) Act, 1881—Stewart, Edmund, 1602

County Courts (Advocates' Costs) Bill
(*Mr. Hastings, Sir Eardley Wilmot, Mr. Staveley Hill, Mr. Rowley Hill*)
c. Read 2°, after debate *June* 5, 217 [Bill 188]

County Courts (Ireland) Bill
(*The Lord O'Hagan*)
l. Read 2ª, after short debate *June* 19, 1556

County Courts [Salaries and Expenses of Examiners of Accounts]
c. Resolution considered in Committee *June* 9, 772
Resolution reported, and agreed to *June* 12
Ordered, That it be an Instruction to the Committee on the County Courts (Advocates' Costs) Bill, That they have power to make provision therein, pursuant to the said Resolution

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  - Re-organization—Out-door Clerks, 1236
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  - Commissioners of Public Works—Annual Report, 1426
  - Irish Church Fund — Estimated Assets, 839, 1245
  - Irish Church Temporalities Commission—National School Teachers Act, 979
  - Killaloe Drainage Works, 486, 831
  - Public Works Commissioners—Land Improvement Loans, 1602
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- Metropolis—Parks—Gardens of the Royal Botanic Society, Regent's Park—Admission of the Public, 806
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- Blackburn Improvement, Consid. 1574
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- Evictions (Ireland)—Landlords, 1737, 1743
- Protection of Person and Property (Ireland) Act, 1881—Release of Mr. Parnell and others confined under the Act, Motion for Papers, 27

Cranbrook, Viscount
- Education Department — Willesden District School Board, 974
- Evictions (Ireland)—Landlords, 1747

Criminal Law — Release of Crawshay Crawshay, a Convict
- Question, Lord George Hamilton; Answer, Sir William Harcourt *June* 15, 1229

Criminal Lunatics Bill
(*Mr. Findlater, Mr. Dillwyn*)
c. Ordered; read 1°* *June* 5 [Bill 192]

Cropper, Mr. J., *Kendal*
- Egypt—Soudan—Consulate at Khartoum, 1237
- New Zealand—Te Whiti, the Maori Chief, 1585
- Vagrancy, 2R. 359

Cross, Right Hon. Sir R. A., *Lancashire, S.W.*
- Evictions (Ireland), 1184
- Law and Police—Seizure of Arms at Clerkenwell, 1613
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(*Colonel Nolan, Mr. O'Shea, Mr. Justin M'Carthy, Mr. Lalor, Mr. Martin, Mr. Dickson, Mr. Findlater, Mr. Lea, Mr. Moore, Mr. Biggar, Mr. Richard Power, Mr. Whitworth*)
c. Motion for Leave (*Colonel Nolan*) objected to; Motion postponed *June* 13, 1111
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Election of Representative Peers (Ireland) Bill [H.L.]
(*The Earl of Belmore*)
l. Presented; read 1ª * *June* 13 (No. 137)
Read 2ª * *June* 19
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Electric Lighting Bill
(*Mr. Chamberlain, Mr. Ashley*)
c. Report of Select Comm. * *June* 12 [No. 227]

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l. Committee *; Report *June* 19 (No. 63)
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c. Read 1° * *June* 6 [Bill 195]
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c. Read 3° * *June* 5 [Bill 133]
l. Read 1ª * (*Viscount Monck*) *June* 6 (No. 120)
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(*Mr. Monk, Mr. Norwood, Mr. Anderson, Mr. Corry, Mr. Reid, Mr. Serjeant Simon*)
c. Considered *June* 5, 215 [Bill 44]
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l. Presented; read 1ª * *June* 5 (No. 112)
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l. Read 1ª * (*Lord Rosebery*) *June* 12 (No. 131)
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Local Government Provisional Order (Artizans' and Labourers' Dwellings) Bill (*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 5 [Bill 162]
Read 3° * *June* 6
l. Read 1ª * (*Lord Carrington*) *June* 8 (No. 121)
Read 2ª * *June* 19
Committee *; Report *June* 20

Local Government Provisional Orders (No. 1) Bill (*Lord Carrington*)
l. Read 2ª * *June* 12 (No. 106)
Committee *; Report *June* 13
Read 3ª * *June* 15
Royal Assent *June* 19 [45 *Vict.* c. xxxiii]

Local Government Provisional Orders (No. 2) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 9 [Bill 145]
Read 3° * *June* 12
l. Read 1ª * (*Lord Carrington*) *June* 12 (No. 134)
Read 2ª * *June* 20

Local Government Provisional Orders (No. 3) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 5 [Bill 152]
Considered * *June* 6
Read 3° * *June* 7
l. Read 1ª * (*Lord Carrington*) *June* 8 (No. 122)
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Local Government Provisional Orders (No. 4) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 9 [Bill 159]
Considered * *June* 12
Read 3° * *June* 14
l. Read 1ª * (*Lord Carrington*) *June* 15 (No. 150)
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Local Government Provisional Orders (No. 5) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report of Select Comm. * *June* 20
Considered * *June* 21 [Bill 160]

Local Government Provisional Orders (No. 6) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 9 [Bill 166]
Read 3° * *June* 12
l. Read 1ª * (*Lord Carrington*) *June* 12 (No. 135)
Read 2ª * *June* 20

Local Government Provisional Orders (No. 7) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 9 [Bill 167]
Considered * *June* 12
Read 3° * *June* 13
l. Read 1ª * (*Lord Carrington*) *June* 15 (No. 145)
Read 2ª * *June* 20

Local Government Provisional Orders (No. 8) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 9 [Bill 168]
Considered * *June* 12
Read 3° * *June* 13
l. Read 1ª * (*Lord Carrington*) *June* 15 (No. 146)
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Local Government Provisional Orders (No. 9) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 9 [Bill 174]
Considered * *June* 12
Read 3ᶜ * *June* 13
l. Read 1ª * (*Lord Carrington*) *June* 15 (No. 147)
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Local Government Provisional Orders (No. 10) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 9 [Bill 181]
Read 3° * *June* 12
l. Read 1ª * (*Lord Carrington*) *June* 12 (No. 136)
Read 2ª * *June* 20

Local Government Provisional Orders (No. 11) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 15 [Bill 186]
Considered * *June* 16
Read 3° * *June* 19
l. Read 1ª * *Lord Carrington*) *June* 19 (No. 152)
Read 2ª * *June* 20

Local Government (Gas) Provisional Order Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 9 [Bill 144]
Considered * *June* 12
Read 3° * *June* 13
l. Read 1ª * (*Lord Carrington*) *June* 15 (No. 144)
Read 2ª * *June* 20

Local Government Provisional Order (Highways) Bill
(*The Lord Rosebery*)
l. Royal Assent *June* 19 [45 *Vict.* c. xxvi]

Local Government Provisional Orders (Poor Law) Bill
(*The Lord Carrington*)
l. Read 2ª * *June* 12 (No. 107)
Committee *; Report *June* 13
Read 3ª * *June* 15
Royal Assent *June* 19 [45 *Vict.* c. xxxiv]

Local Government (Ireland) Provisional Order Bill
(*The Lord Rosebery*)
l. Committee *; Report *June* 5 (No. 95)
Read 3ª * *June* 6
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Local Government (Ireland) Provisional Orders (Ballymena, &c.) Bill [H.L.]
c. Report * *June* 5 [Bill 155]
Read 3º * *June* 6
l. Royal Assent *June* 19 [45 *Vict.* c. xxxii]

Local Government (Ireland) Provisional Orders (No. 2) Bill
(*Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland*)
c. Report * *June* 9 [Bill 165]
Read 3º * *June* 12
l. Read 1ª * (*Lord Carlingford*) *June* 12 (No. 132)
Read 2ª * *June* 20

Local Government (Ireland) Provisional Orders (No. 3) Bill
(*Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland*)
c. Report * *June* 9 [Bill 172]
Read 3º * *June* 12
l. Read 1 · (*Lord Carlingford*) *June* 12 (No. 133)
Read 2ª * *June* 20

Local Government (Ireland) Provisional Order (No. 4) Bill
(*Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland*)
c. Read 2º * *June* 6 [Bill 173]

Local Government (Ireland) Provisional Orders (No. 5) Bill
(*Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland*)
c. Read 2º * *June* 6 [Bill 175]
Report * *June* 16
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(*The Earl of Dalhousie*)
l. Presented; read 1ª * *June* 6 (No. 117)
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Marriage with a Deceased Wife's Sister Bill [H.L.] (*The Earl of Dalhousie*)
l. Moved, "That the Bill be now read 2^a" *June* 12, 774
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Married Women's Property Bill [H.L.] (*Mr. Osborne Morgan*)
c. Moved, "That the Bill be now read 2°" *June* 8, 615; Moved, "That the Debate be now adjourned" (*Sir George Campbell*); Question put, and negatived
Original Question put, and agreed to; Bill read 2° [Bill 191]

Martin, Mr. P., *Kilkenny Co.*
Prevention of Crime (Ireland), Comm. *cl.* 1, 103, 108, 124, 128; *cl.* 4, 731; *cl.* 5, 1009, 1010, 1016; Amendt. 1085; *cl.* 7, Amendt. 1191, 1215, 1283, 1285, 1286, 1352, 1375; Amendt. 1427; *cl.* 11, Motion for reporting Progress, 1874

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Parliamentary Elections (Corrupt and Illegal Practices) Bill, Question, Mr. Cavendish Bentinck; Answer, Mr. Gladstone *June* 20, 1768
Prevention of Crime (Ireland) Bill—Dublin Petition, Petition presented, The Lord Mayor of Dublin (Mr. Dawson) *June* 20, 1748

Palace of Westminster—The House of Commons—The Strangers' Gallery, Question, Mr. Joseph Cowen; Answer, Mr. Shaw Lefevre *June* 5, 71

Parliament—Business of the House
Ministerial Statement, Mr. Gladstone *June* 20, 1769
Moved, "That the Arrears of Rent (Ireland) Bill have precedence, on every day for which it is set down, of all other Orders of the Day and Notices of Motions, except the Prevention of Crime (Ireland) Bill" (*Mr. Gladstone*); after long debate, Moved, "That the Debate be now adjourned" (*Mr. R. N. Fowler*); after further short debate, Motion withdrawn
Original Question put; A. 253, N. 97; M. 156 (D. L. 158)

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Parliament — Parliamentary Oath (Mr. Bradlaugh) — "Gurney v. Bradlaugh"
Moved, "That leave be given to the proper Officer to attend the Queen's Bench Division of the High Court of Justice with the said paper writing and copy of the New Testament" (*Mr. Labouchere*) *June* 12, 805; Motion postponed
Moved, "That leave be given to the proper Officer to attend the Queen's Bench Division of the High Court of Justice with the said paper writing and copy of the New Testament" (*Mr. Labouchere*) *June* 12, 963; Motion being opposed, not proceeded with
Moved, "That leave be given to the proper Officer of this House to attend the Queen's Bench Division of the High Court of Justice, with the paper writing subscribed by Mr. Charles Bradlaugh at the Table of the House on the 21st February last, and the copy of the New Testament named in the Journals of the House of the same date" (*Mr. Labouchere*) *June* 13, 1111; after debate, Moved, "That the Debate be now adjourned" (*Mr. E. Stanhope*); Question put; A. 65, N. 85; M. 20 (D. L. 137)
Original Question again proposed, 1125; Moved, "That this House do now adjourn" (*Lord Claud Hamilton*); after short debate, Motion withdrawn; original Question put, and agreed to

PARLIAMENT—HOUSE OF LORDS
Sat First
June 5—The Lord Barrogill (the Earl of Caithness) after the death of his father
June 19—The Lord Erskine, after the death of his father

PARLIAMENT—HOUSE OF COMMONS
New Writ Issued
June 12—*For* the County of Banff, *v.* Robert William Duff, esquire, Commissioner of the Treasury

New Member Sworn
June 19—Robert William Duff, esquire, *County of Ban*

Parliamentary Oaths Act (1866) Amendment Bill [H.L.]
(*The Duke of Argyll*)
l. Presented; read 1ª* *June* 5 (No. 111)

PARNELL, Mr. C. S., *Cork City*
Ireland — Assassinations in Phœnix Park, Dublin—Withdrawal of Police Patrols, 1604
Evictions, 1175, 1180, 1268; — Lord Cloncurry's Tenants—Erection of Huts, 1414, 1415
Parliament—Business of the House, Ministerial Statement, 1787
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Prevention of Crime (Ireland), Comm. *cl.* 1, 88, 92, 101, 104, 106, 108; Amendt. 110, 117, 118, 123, 126, 127, 186, 188, 189; *cl.* 2, 195, 196; *cl.* 4, 305, 308, 309, 310, 311, 312, 316, 334; Motion for reporting Progress, 452, 497, 500, 503, 507, 508, 510, 516, 519, 522; Amendt. *ib.*, 523, 527, 588, 590; Motion for Adjournment, 610, 732, 739, 865, 868, 870, 873; Amendt. 908; *cl.* 5, 943, 946, 949, 1007, 1008, 1010, 1014, 1015, 1016, 1019, 1025, 1026, 1028, 1051, 1056, 1059, 1060; Amendt. 1083; *cl.* 6, Amendt. 1088, 1089, 1092, 1093, 1097, 1101, 1102, 1105, 1110; *cl.* 7, 1192, 1194, 1195; Amendt. 1358, 1360, 1364, 1371, 1373, 1378, 1383; Motion for Adjournment, 1387, 1433; Amendt. 1434, 1438, 1440, 1441; *cl.* 8, 1511, 1524; Amendt. 1525, 1529, 1535; *cl.* 9, Amendt. 1665, 1669, 1673, 1674; *cl.* 10, 1703; Amendt. 1706, 1710, 1712, 1713; *cl.* 11, 1823, 1824, 1826, 1846, 1849, 1851, 1854, 1861, 1865, 1871, 1881, 1882; Amendt. 1897, 1906, 1913, 1930, 1931

PARRY, Mr. T. L. Jones, *Carnarvon, &c.*
Prevention of Crime (Ireland), Comm. *cl.* 11, 1842

Partnerships Bill (*Mr. Monk, Mr. Gregory, Mr. Barran, Mr. Lewis Fry*)
c. Order for Committee (*on re-comm.*) read; Moved, "That Mr. Speaker do now leave the Chair" *June* 5, 210; Moved, "That the Debate be now adjourned" (*Mr. Horace Davey*); after short debate, Motion withdrawn
Original Question put, and agreed to; Committee—R.P. [Bill 179]

PATRICK, Mr. R. W. COCHRAN-, *Ayrshire, N.*
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PEDDIE, Mr. J. DICK-, *Kilmarnock, &c.*
Prevention of Crime (Ireland), Comm. *cl.* 7, 1461

PEEL, Mr. A. W., *Warwick Bo.*
Regent's Canal, City, and Docks Railway, 3R. 639

PELL, Mr. A., *Leicestershire, S.*
Vagrancy, 2R. 358; Comm. *cl.* 4, 1886

PERCY, Right Hon. Earl, *Northumberland, N.*
Parliament—Business of the House, Ministerial Statement, 1803

PETERBOROUGH, Bishop of
Marriage with a Deceased Wife's Sister, 2R, 795

Petty Sessions (Ireland) Bill [H.L]
c. Read 1° * *June* 14 [Bill 203]
Read 2° *June* 19, 1717

Pier and Harbour Provisional Orders Bill
(*Mr. Ashley, Mr. Chamberlain*)
c. Report * *June* 8 [Bill 142]
Considered * *June* 12
Read 3° * *June* 13
l. Read 1ª * (*Lord Sudeley*) *June* 15 (No. 148)
Read 2ª * *June* 20

Pier and Harbour Provisional Orders (No. 2 Bill (*Mr. Ashley, Mr. Chamberlain*)
c. Report * *June* 5 [Bill 150]
Considered * *June* 6
Read 3° * *June* 7
l. Read 1ª * (*Lord Sudeley*) *June* 8 (No. 123)
Read 2ª * *June* 16
Committee * ; Report *June* 19

Places of Public Worship Sites Amendment Bill [H.L.]
(*The Lord Aberdare*)
l. Committee * *June* 13 (Nos. 77-141)
Report * *June* 16
Read 3ª * *June* 19

Playfair, Right Hon. Mr. Lyon (Chairman of Committees of Ways and Means and Deputy Speaker), *Edinburgh and St. Andrew's Universities*
Blackburn Improvement, Consid. 1573
Parliament—Order of Debate—Mr. O'Kelly, M.P. for Roscommon, 366
Rules and Orders—Standing Order 167, 664
Prevention of Crime (Ireland), Comm. *cl.* 1, 102, 103, 104, 107, 108, 127, 136, 155, 156 ; *cl.* 3, 262, 263, 264, 265, 274, 276, 277, 279, 280, 281, 282, 283, 286 ; *cl.* 4, 297, 298, 299, 308, 310, 311, 312, 313, 321, 416, 435, 450, 451, 514, 515, 516, 522, 523, 533, 538, 540, 557, 565, 575, 583, 584, 590, 591, 592, 593, 594, 609, 718, 759, 763, 764, 766, 858, 862, 926, 930 ; *cl.* 5, 933, 938, 1001, 1002, 1009, 1016, 1043, 1055, 1056, 1059, 1060, 1065, 1066, 1067, 1068, 1070, 1078, 1081, 1082 ; *cl.* 6, 1096, 1100, 1105, 1110 ; *cl.* 7, 1200, 1201, 1206, 1285, 1294, 1296, 1331, 1338, 1424, 1430, 1431, 1433, 1438, 1440, 1442, 1443 ; *cl.* 8, 1484, 1487, 1490, 1493, 1508, 1531, 1538 ; *cl.* 9, 1622, 1626, 1632, 1635, 1636, 1639, 1654, 1673, 1678 ; *cl.* 10, 1693, 1701, 1706 ; *cl.* 11, 1810, 1813, 1815, 1819, 1820, 1821, 1826, 1827, 1828, 1835, 1842, 1851, 1862, 1863, 1865, 1893, 1905, 1908, 1916, 1940, 1941, 1947, 1951 ; *cl.* 12, 1962
Public Schools (Scotland) Teachers, Comm. *cl.* 2, 950 ; *cl.* 3, 951

Plunket, Right Hon. D. R., *Dublin University*
Prevention of Crime (Ireland), Comm. *cl.* 1, 121, 183 ; *cl.* 2, Amendt. 198, 201 ; *cl.* 4, 422, 423, 771 ; *cl.* 5, 1043, 1067, 1068 ; *cl.* 10, 1710 ; *cl.* 11, 1827, 1874, 1912

Pluralities Acts Amendment Bill [H.L.]
(*The Lord Bishop of Exeter*)
l. Report *June* 13, 965 (Nos. 74-102)
Read 3ª * *June* 19 (No. 139)

Police Bill
(*Mr. Hibbert, Secretary Sir William Harcourt, The Lord Advocate*)
c. Motion for Leave (*Mr. Hibbert*) *June* 8, 617 ; after short debate, Motion agreed to ; Bill ordered ; read 1° * [Bill 197]

Poor Law—The Burnley Board of Guardians—Roman Catholic Children
Question, Mr. Callan ; Answer, Mr. Dodson *June* 8, 486

Poor Rates Bill
l. Read 1ª * (*Lord Carrington*) *June* 5 (No. 113)
Read 2ª *June* 16, 1398

Porter, Mr. A. M. (Solicitor General for Ireland), *Londonderry Co.*
Prevention of Crime (Ireland), Comm. *cl.* 1, 132 ; *cl.* 4, 755 ; *cl.* 7, 1324, 1329, 1353, 1370

Post Office
Miscellaneous Questions
Adhesive Stamps on Post Cards, Question, Mr. R. H. Paget ; Answer, Mr. Fawcett *June* 8, 465
Letter Carriers (Blackheath and Greenwich), Question, Baron Henry De Worms ; Answer, Mr. Fawcett *June* 8, 483
Auxiliary Letter Carriers, Question, Mr. Schreiber ; Answer, Mr. Courtney *June* 8, 480 ; Question, Mr. J. G. Hubbard ; Answer, Mr. Fawcett *June* 12, 823
The Letter Carriers—Increase of Pay, Question, Mr. Schreiber ; Answer, Mr. Courtney *June* 19, 1614
Insurance of Registered Letters, Question, Mr. Greer ; Answer, Mr. Fawcett *June* 8, 469
Telephone Licences, Question, The O'Donoghue ; Answer, Mr. Fawcett *June* 15, 1232
The Uxbridge Post Office, Question, Mr. Schreiber ; Answer, Mr. Fawcett *June* 12, 829
The Irish Mails, Question, Mr. Leamy ; Answer, Mr. Fawcett *June* 8, 477

Telegraph Department—A Sixpenny Rate for Telegrams, Question, Mr. E. Stanhope ; Answer, Mr. Fawcett *June* 15, 1236

Power, Mr. J. O'Connor, *Mayo*
Education Department — Roman Catholic Schools, Oldham, 1586
Ireland—Miscellaneous Questions
Evictions, 1187
Irish Land Commission—Mr. Comyn, Sub-Commissioner, 807
Protection of Person and Property Act, 1881—Dunleavy, Mr. Thomas, 493 ;—Lyons, Mr. M. J., 815
State of—Affray at Ballina, 1248

[*cont.*

Power, Mr. J. O'Connor—*cont.*
Parliament—Business of the House, Ministerial Statement, 1802
Prevention of Crime (Ireland), Comm. *cl.* 1, 107; *cl.* 4, 520, 529; *cl.* 5, 1069; *cl.* 6, 1098; *cl.* 10, 1701

Power, Mr. R., *Waterford*
Married Women's Property, 2R. 616
Prevention of Crime (Ireland), Comm. *cl.* 5, 1080; *cl.* 6, 1101; *cl.* 7, 1388; *cl.* 8, 1487, 1521; *cl.* 9, 1633; *cl.* 11, 1835; Amendt. 1838, 1889

Powis, Earl of
Somersham Rectory, 2R. 1558
Union of Benefices (London), Report of Amendts. Amendt. 220

Prevention of Crime (Ireland) Bill
Clause 5—Deasy's Act, Questions, Mr. Healy; Answers, Mr. Gladstone *June* 8, 490
Memorial of Irish Judges, Question, Mr. Healy; Answer, Mr. Gladstone *June* 5, 77
The Protest of the Judges, Questions, Mr. Healy, Mr. Callan; Answers, Mr. Gladstone *June* 12, 838
The Condition of Ireland, Questions, Mr. Monk, Mr. O'Donnell, Sir Henry Tyler, Mr. Healy, Mr. T. P. O'Connor; Answers, Mr. Gladstone *June* 12, 840

Prevention of Crime (Ireland) Bill
(*Secretary Sir William Harcourt, Mr. Gladstone, Mr. Attorney General, Mr. Solicitor General, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland*)
c. *The Recent Division*, Questions, Mr. Mac Iver, Mr. T. P. O'Connor; Answers, Mr. Gladstone *June* 5, 81
Committee—R.P. [Fourth Night] *June* 5, 83 [Bill 157]
Committee—R.P. [Fifth Night] *June* 6, 237
Chairman—R.P. [Sixth Night] *June* 7, 367
Committee—R.P. [Seventh Night] *June* 8, 494
Committee—R.P. [Eighth Night] *June* 9, 666
Committee—R.P. [Ninth Night] *June* 12, 844
Committee—R.P. [Tenth Night] *June* 13, 988
Committee—R.P. [Eleventh Night] *June* 14, 1191
Committee—R.P. [Twelfth Night] *June* 15, 1279
Committee—R.P. [Thirteenth Night] *June* 16, 1426
Committee—R.P. [Fourteenth Night] *June* 19, 1615
Committee—R.P. [Fifteenth Night] *June* 20, 1806
Chairman—R.P. [Sixteenth Night] *June* 21, 1888

Price, Captain G. E., *Devonport*
Navy—Inspector of Machinery in the Channel Squadron, 1408

Prisons (England) Act
Prison Discipline, Question, Mr. R. N. Fowler; Answer, Sir William Harcourt *June* 15, 1262
Prison Warders, Question, Mr. R. N. Fowler; Answer, Sir William Harcourt *June* 5, 78

Public Health (Fruit-Pickers Lodgings) Bill [H.L.] (*The Earl Stanhope*)
l. Presented; read 1ª * *June* 12 (No. 127)
Read 2ª * *June* 19
Committee *; Report *June* 20

Public Health (Scotland) Act Amendment Bill (*The Earl of Fife*)
l. Royal Assent *June* 19 [45 *Vict.* c. 11]

Public Health—Unqualified Medical Practitioners
Question, Mr. H. Samuelson; Answer, Sir William Harcourt *June* 12, 822

Public Offices Site Bill Select Committee
Ordered, That the Report and Minutes of Evidence of the Select Committee on Public Offices and Buildings (Metropolis) 1877, be referred to the Select Committee on the Public Offices Site Bill (*Mr. Shaw Lefevre*) *June* 9

Public Schools (Scotland) Teachers Bill
(*Mr. Mundella, The Lord Advocate, Mr. Solicitor General for Scotland*)
c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *June* 5, 208; Moved, "That the Debate be now adjourned" (*Mr. A. Grant*); after short debate, Motion withdrawn
Original Question put, and agreed to; Committee—R.P. [Bill 153]
Committee; Report *June* 12, 949
Considered *; read 3º *June* 13
l. Read 1ª * (*Lord Carlingford*) *June* 15 (No. 143)

Pugh, Mr. L. P., *Cardiganshire*
Blackburn Improvement, Consid. Motion for Adjournment, 1573, 1575
Egypt—Political Crisis, 1136
Prevention of Crime (Ireland), Comm. *cl.* 4, 602; *cl.* 8, 1533
Supreme Court of Judicature Acts Amendment, Comm. *cl.* 1, Amendt. 952

Puleston, Mr. J. H., *Devonport*
Egypt (Political Affairs)—Conference, 494, 836
Navy—Dockyards—Memorial of Established Shipwrights, 1246

Raikes, Right Hon. H. C., *Preston*
Egypt—The Political Crisis, 981
Parliament—Business of the House, Ministerial Statement, 1797
Prevention of Crime (Ireland), Comm. *cl.* 10, 1702

Railway Rates, Select Committee on—Draft Report
Question, Mr. E. Stanhope; Answer, Mr. Evelyn Ashley *June* 20, 1761

Rankin, Mr. J., *Leominster*
Army (Auxiliary Forces)—Volunteer Corps, 75

Rating of Places of Religious Worship Bill
(*Mr. Arnold Morley, Mr. George Russell*)
c. Bill withdrawn* *June* 5 [Bill 32]

Ravensworth, Earl of
Egypt (Political Affairs)—Combined Fleet at Alexandria, 460, 461

Real and Personal Estate (Accumulation of Income) Bill (*Mr. Davey, Mr. Arthur Arnold, Mr. Henry H. Fowler*)
c. Ordered; read 1° * *June* 15 [Bill 205]

Redesdale, Earl of (Chairman of Committees)
Wrexham, Mold, and Connah's Quay Railway (Extensions and Dock), Motion for Re-comm. 15

Redmond, Mr. J. E., *New Ross*
Ireland—Miscellaneous Questions
  Evictions, 1176;—Co. Wexford, 1251
  Law and Police—Removal of Placards, 654
  Magistracy—Derry City Bench, 653, 654
  Royal Irish Constabulary—Constable Byrne, 1598
Ireland—Protection of Person and Property Act, 1881—Miscellaneous Questions
  Coleman Naughton, 474
  Crosbie, Mr. Denis, 480
  Curley, Patrick and John, 984
  Kelly, Mr. John, 474
  Kenny, Mr. M. P., 984
Prevention of Crime (Ireland), Comm. *cl.* 3, 243, 244; Amendt. 265; *cl.* 4, 584, 608; Amendt. 740, 926, 930; *cl.* 5, 1079; *cl.* 6, Amendt. 1105, 1107; *cl.* 7, 1335, 1338, 1361, 1455, 1456; *cl.* 11, 1843, 1844; Amendt. 1845, 1855, 1952

***Regent's Canal, City, and Docks Railway Bill* (*by Order*)**
c. Moved, "That the Bill be now read 3°" *June* 9, 631
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Monk*); Question proposed, "That 'now' &c.;" after debate, Question put; A. 220, N. 74; M. 146 (D. L. 120)
Main Question put, and agreed to (Queen's Consent signified); Bill read 3°

Reid, Mr. R. T., *Hereford*
Prevention of Crime (Ireland), Comm. *cl.* 1, Amendt. 109, 117; *cl.* 3, 246; *cl.* 4, 567

Richard, Mr. H., *Merthyr Tydvil*
Africa (South)—Zululand—John Dunn's Territory, 474, 1237

Ritchie, Captain C. T., *Tower Hamlets*
Parliament—Business of the House, Ministerial Statement, 1784

Roads Provisional Order (Edinburgh) Bill (*The Lord Rosebery*)
l. Report of Select Comm.* *June* 20

Robertson, Mr. H., *Shrewsbury*
Regent's Canal, City, and Docks Railway, 3R. 645

Rogers, Mr. J. E. Thorold, *Southwark*
Thames Navigation—Thames below Bridge, 840

Rosebery, Earl of (Under Secretary of State for the Home Department)
Entail (Scotland), 1R. 51, 54; 2R. 1223
Entails (Scotland), Motion for a Return, 975, 1401

Russell, Mr. C., *Dundalk*
Criminal Law (Ireland)—Case of J. M. Johnson, ex-Suspect, 469, 470
Prevention of Crime (Ireland), Comm. *cl.* 3, 250; *cl.* 4, Amendt. 339, 442, 453, 531, 680; *cl.* 5, Amendt. 988, 1002; *cl.* 7, 1319, 1430, 1441, 1449, 1455; Amendt. 1461

Russell, Mr. G. W. E., *Aylesbury*
Prevention of Crime (Ireland), Comm. *cl.* 11, 1879

Rutland, Duke of
Food Supply—Import of Frozen Sheep, 970

Rylands, Mr. P., *Burnley*
Prevention of Crime (Ireland), Comm. *cl.* 5, 993; *cl.* 7, 1365; *cl.* 11, 1908

St. Aubyn, Sir J., *Cornwall, W.*
Navy—Liability of Officers—Retired Pay, 1264

Salisbury, Marquess of
Education Department — Willesden District School Board, 628
Egypt (Political Affairs)—Miscellaneous Questions, 3
  Anglo-French Fleet at Alexandria, 622
  Latest Telegrams, 965
  Riots at Alexandria, 773, 1217, 1218, 1221;—Reparation to British Subjects, 1730
Entail (Scotland), 1R. 54
Entails (Scotland), Motion for a Return, 975
Evictions (Ireland)—Landlords, 1743, 1744, 1746
Justices' Jurisdiction, 457
Protection of Person and Property (Ireland) Act, 1881—Release of Mr. Parnell and others confined under the Act, Motion for Papers, 43, 49, 51

Salt, Mr. T., *Stafford*
Egypt—Political Crisis, 1607

SAMUELSON, Mr. H. B., *Frome*
Prevention of Crime (Ireland), Comm. *cl.* 4, 945; *cl.* 7, 1200; *cl.* 8, 1519; Amendt. 1522, 1524; *cl.* 11, 1880
Public Health—Unqualified Medical Practitioners, 822
Turkey and Greece—Murder of Mr. Ogle, 1226

SCHREIBER, Mr. C., *Poole*
Post Office—Miscellaneous Questions
Auxiliary Letter Carriers, 480
Letter Carriers, 1614
Uxbridge Post Office, 829

Science and Art—The National Gallery
Question, Mr. Coope; Answer, Mr. Shaw Lefevre *June* 15, 1262
The Hamilton Palace Collection, Question, Mr. Coope; Answer, Mr. Gladstone *June* 15, 1274

SCLATER-BOOTH, Right Hon. G., *Hants, N.*
Blackburn Improvement, Consid. 1564, 1571
Corn Returns (No. 2), 2R. 613
Manchester Corporation, Consid. 1580

Scotland
MISCELLANEOUS QUESTIONS
Elementary Education—The Island of Lewis, Question, Dr. Cameron; Answer, Mr. Mundella *June* 16, 1402
Evictions—Lochcarron, Co. Ross, Question, Mr. Fraser-Mackintosh; Answer, The Lord Advocate *June* 12, 806
Licensing Acts—The Joint Licensing Committee, Peterhead, Questions, Dr. Cameron; Answers, The Lord Advocate *June* 5, 58; Questions, Dr. Cameron; Answers, Mr. Courtney *June* 13, 976; *June* 15, 1246
Local Taxation and Expenditure, Question, Mr. Anderson; Answer, The Lord Advocate *June* 12, 843

Scotland—Entails
Moved for Return of—
"I. Entails executed in Scotland prior to 1st August 1848;
(*a.*) The number cut off since that date;
(*b.*) The number now in existence:
"II. Entails executed in Scotland on and subsequent to 1st August 1848;
(*a.*) The number registered;
(*b.*) The number which have since been cut off;
(*c.*) The number now in existence (*The Earl of Camperdown*) *June* 13, 974; after short debate, Motion agreed to
Question, Observations, The Earl of Minto; Reply, The Earl of Rosebery *June* 16, 1400

SELWIN-IBBETSON, Sir H. J., *Essex, W.*
Police, Leave, 620
Prevention of Crime (Ireland), Comm. *cl.* 4, 311

Settled Land Bill [H.L.]
(*Sir R. Assheton Cross*)
c. Order for Committee read; Moved, "That the Order for going into Committee be discharged, and that the Bill be committed to a Select Committee" *June* 6, 349; Question put, and agreed to
Moved, "That the Bill be committed to a Select Committee;" after short debate, Motion withdrawn
Moved, "That the Bill be committed to the Select Committee on the Conveyancing Bill;" Question put, and agreed to

Settlement and Removal Law Amendment Bill
(*Mr. Dodson, Mr. Hibbert*)
c. Ordered; read 1° * *June* 6 [Bill 194]

SEXTON, Mr. T., *Sligo*
Ireland—Miscellaneous Questions
Evictions, 1182, 1183;—Death from Exposure after Eviction at Rhode, King's Co., 1418, 1589, 1590, 1759
Protection of Person and Property Act, 1881—Release of Persons detained under the Act, 1250, 1416, 1417
"Treaty of Kilmainham," 987
Parliament—Prevention of Crime (Ireland)—Dublin Petition, 1749
Prevention of Crime (Ireland), Comm. *cl.* 5, 991, 992, 997, 1016, 1022, 1023, 1027, 1032; Amendt. 1047, 1048, 1082, 1084; *cl.* 6, 1090, 1104, 1107, 1109; *cl.* 7, 1192, 1196, 1291, 1308, 1317, 1348; Amendt. 1358, 1362, 1366; Motion for reporting Progress, 1376, 1435, 1442, 1448, 1472; *cl.* 9, 1481, 1486, 1487, 1491, 1493, 1510, 1522, 1525; Amendt. 1527, 1529, 1540, 1542, 1543, 1621, 1628, 1632, 1637, 1640, 1642, 1649, 1655, 1661, 1673, 1677, 1683; *cl.* 10, 1694, 1706; *cl.* 11, 1809, 1810; Amendt. 1820, 1831, 1848, 1864, 1865, 1868, 1872, 1893, 1899, 1917, 1918, 1925, 1930, 1945, 1948; *cl.* 12, 1965

SHAFTESBURY, Earl of
Imprisonment for Contumacy, 3R. 965

SHAW, Mr. W., *Cork Co.*
Prevention of Crime (Ireland), Comm. *cl.* 1, 98

SHEIL, Mr. E., *Meath Co.*
Parliament—Business of the House, Ministerial Statement, 1805
Prevention of Crime (Ireland), Comm. *cl.* 4, 684; *cl.* 7, 1355, 1369; *cl.* 11, 1837, 1943

SIDMOUTH, Viscount
Navy—H.M.S. "Inconstant," 971

SIMON, Mr. Serjeant J., *Dewsbury*
Prevention of Crime (Ireland), Comm, *cl.* 3, 252; *cl.* 4, 581

SLAGG, Mr. J., *Manchester*
Egypt—Political Crisis, 1255

SMITH, Right Hon. W. H., *Westminster*
Arrears of Rent (Ireland) Bill—Irish Church Fund, 1265
Civil Service—Superannuation, 465
Egypt (Political Affairs)—Riots at Alexandria, 1411
Parliament—Business of the House, Ministerial Statement, 1781

SMITH, Mr. T. E., *Tynemouth, &c.*
Partnerships, Comm. 211
Prevention of Crime (Ireland), Comm. *cl.* 7, 1384

SOLICITOR GENERAL, The (Sir FARRER HERSCHELL), *Durham*
Prevention of Crime (Ireland), Comm. *cl.* 4, 712, 737; *cl.* 6, 1102
Supreme Court of Judicature Acts Amendment, Comm. *cl.* 1, 956

Somersham Rectory Bill [H.L.]
(*The Earl of Powis*)
l. Presented; read 1ª*, and referred to the Examiners *June* 6 (No. 116)
Read 2ª *June* 19, 1558

SPEAKER, The (Right Hon. Sir H. B. W. BRAND), *Cambridgeshire*
Blackburn Improvement, Consid. 1565, 1570, 1575
Commonable Rights, Lords Amendts. Consid. 362
Egypt (Political Affairs)—Miscellaneous Questions
  Political Crisis, 1132, 1136, 1258
  Proposed Conference, 661
  Riots at Alexandria, 1409, 1410
Egypt and Italy—Cession of Assab Bay, 1269, 1270, 1272
Ejectments Suspension (Ireland), 1110
Ireland—Miscellaneous Questions
  Evictions, 1174
  Mr. O'Shea's Visit to Kilmainham Gaol, 1252
  Protection of Person and Property Act, 1881—Persons detained under the Act—Island of Arran, 658
Metropolitan Board of Works (Money), 2R. 1391
Parliament—Miscellaneous Questions
  Business of the House, 1769;—Ministerial Statement, 1781, 1793, 1796, 1805
  Business of the House—Government Annuities Bill, 1599
  Order in Debate—Mr. O'Kelly, M.P. for Roscommon, 365, 366, 367
  Prevention of Crime (Ireland) Bill—Dublin Petition, 1749
  Privilege — Un-Parliamentary Language, 1278, 1279
  Rules and Orders—Order of Business, 665
  Rules of Debate — Amendments — Precedence in Committee, 82;—Questions—Release of Persons detained under the Protection of Person and Property (Ireland) Act, 1881, 1591, 1592
Parliamentary Oath (Mr. Bradlaugh)—"Gurney *v.* Bradlaugh," 805; Res. 961, 1026
Settled Land, Comm. 351, 352

STANHOPE, Earl
Parliament—Public Business—House of Lords—Local Government Bill, 1722

STANHOPE, Hon. E., *Lincolnshire, Mid*
India—Simla Army Commission, 471
Parliamentary Oath (Mr. Bradlaugh)—"Gurney v. Bradlaugh," Res. Motion for Adjournment, 1124
Post Office—Telegraph Department—Sixpenny Rate for Telegrams, 1236
Railway Rates, Select Committee on—Draft Report, 1761

STANLEY, Hon. E. L., *Oldham*
Prevention of Crime (Ireland), Comm. *cl.* 8, 1481

STANLEY OF ALDERLEY, Lord
Bills of Sale Act (1878) Amendment, 2R. 1548

STOREY, Mr. S., *Sunderland*
Parliament—Public Business, 1274
Prevention of Crime (Ireland), Comm. *cl.* 4, 879; *cl.* 6, 1094, 1102, 1103; *cl.* 7, 1288

STUART, Mr. H. VILLIERS-, *Waterford Co.*
Irish Church Fund—Amount of the Surplus, 1245

SUDELEY, Lord
Food Supply—Import of Frozen Sheep, 970

SULLIVAN, Mr. T. D., *Westmeath*
Ireland—Protection of Person and Property Act, 1881—Monaghan, Mr. James, 825;—Release of Persons detained under the Act, 484
  Royal Irish Constabulary—Tearing down Notices, 825
Prevention of Crime (Ireland), Comm. *cl.* 1. 127; *cl.* 4, 320, 321, 408, 529, 530; Amendt. 533, 689, 728, 741, 747, 771, 920; *cl.* 5, 935, 1030, 1042, 1043, 1055, 1056, 1060, 1067, 1068, 1072, 1084; *cl.* 6, 1110; *cl.* 7, 1293, 1294, 1296, 1320, 1357; *cl.* 8, 1539; *cl.* 9, 1617, 1631, 1667; *cl.* 10, 1697, 1708, 1715; *cl.* 11, 1820, 1836, 1844, 1862, 1863, 1920, 1948

Sunday Labour—Employment of Workmen on Sunday
Questions, Mr. Hicks; Answers, Sir William Harcourt *June* 15, 1237

Supreme Court of Judicature Acts Amendment Bill
(*Sir Hardinge Giffard, Mr. Butt, Mr. M'Intyre, Mr. Charles Russell, Mr. Inderwick, Mr. Webster, Mr. Buchanan, Mr. Gregory*)
c. Committee; Report *June* 12, 952 [Bill 154]

Surrey (Trial of Causes) Bill
(*Mr. Warton, Mr. Henry H. Fowler*)
c. Ordered ; read 1° * *June* 15 [Bill 204]

SYNAN, Mr. E. J., ***Limerick Co.***
Ireland—National Education—Grants to National Schools, 813, 814
Prevention of Crime (Ireland), Comm. *cl.* 1, 95, 108 ; *cl.* 3, 242, 262 ; Amendt. 263, 276, 277 ; *cl.* 4, 443, 604, 676, 742, 878 ; Amendt. 901, 908 ; *cl.* 5, 1022 ; *cl.* 6, 1093 ; *cl.* 8, 1487, 1492, 1504, 1540 ; *cl.* 9, 1619, 1670 ; *cl.* 11, 1847

TALBOT, Mr. J. G., ***Oxford University***
Corn Returns (No. 2), 2R. 612
Public Health (Metropolis)—Robin Hood Court, Shoe Lane, 816
Vagrancy, 2R. 360 ; Comm. *cl.* 4, Amendt. 1883, 1884 ; *add. cl.* 1887

TAYLOR, Mr. P. A., ***Leicester***
Education Department—Science and Art Department—Hall of Science, Old Street, 472
Evictions (Ireland), 1190
Prevention of Crime (Ireland), Comm. *cl.* 11, 1951
Vaccination—The Official Method, 978

Thames Navigation—The Thames below Bridge
Question, Mr. Thorold Rogers ; Answer, Sir William Harcourt *June* 12, 840

THOMPSON, Mr. T. C., ***Durham***
Prevention of Crime (Ireland), Comm. *cl.* 1, 87 ; Amendt. 122 ; *cl.* 4, 406, 526, 744, 866 ; *cl.* 5, 1027, 1072 ; *cl.* 6, 1097 ; *cl.* 11, Amendt. 1806, 1827, 1828, 1834

THURLOW, Lord
Metropolis Management and Building Acts Amendment, Comm. *cl.* 6, 968

TORRENS, Mr. W. T. M'C., ***Finsbury***
Regent's Canal, City, and Docks Railway, 3R. 648

TOTTENHAM, Mr. A. L., ***Leitrim***
Egypt (Political Affairs)—Anglo-French Fleet at Suda Bay, 476
Ireland—Land Law Act—Judicial Rents, 1263
Ireland—Protection of Person and Property Act, 1881—Brennan, Mr. Thomas, 233
Ryan, John, 1597

Trade and Commerce—Treaty of Commerce with Spain
Question, Mr. Henry Lee ; Answer, Sir Charles W. Dilke *June* 15, 1230

Tramways Provisional Orders Bill
(*Mr. Ashley, Mr. Chamberlain*)
c. Report * *June* 6 [Bill 141]
Considered * *June* 7
Read 3° * *June* 8
l. Read 1ª * (*Lord Sudeley*) *June* 9 (No. 125)
Read 2ª * *June* 19

Tramways Provisional Orders (No. 2) Bill (*Mr. Ashley, Mr. Chamberlain*)
c. Report * *June* 6 [Bill 149]
Considered * *June* 7
Read 3° * *June* 8
l. Read 1ª * (*Lord Sudeley*) *June* 9 (No. 126)
Read 2ª * *June* 19
Committee * *June* 20

Tramways Provisional Orders (No. 3) Bill (*Mr. Ashley, Mr. Chamberlain*)
c. Report * *June* 8 [Bill 151]
Considered * *June* 12
Read 3° * *June* 13
l. Read 1ª * (*Lord Sudeley*) *June* 15 (No. 149)
Read 2ª * *June* 20

TREVELYAN, Right Hon. G. O. (Chief Secretary to the Lord Lieutenant of Ireland), ***Hawick, &c.***
Ireland—Miscellaneous Questions
Agrarian Outrages—The Returns, 832
Assassinations in the Phœnix Park, Dublin—Withdrawal of Police Patrols, 1603, 1604, 1605
Crime—John Lyne, Case of, 60
Crime and Outrage—Murder of Mr. Bourke and Escort—Three Farmers Shot and Maimed, 662
Crime and Police—Detective Police Force—Colonel Brackenbury, 1240
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